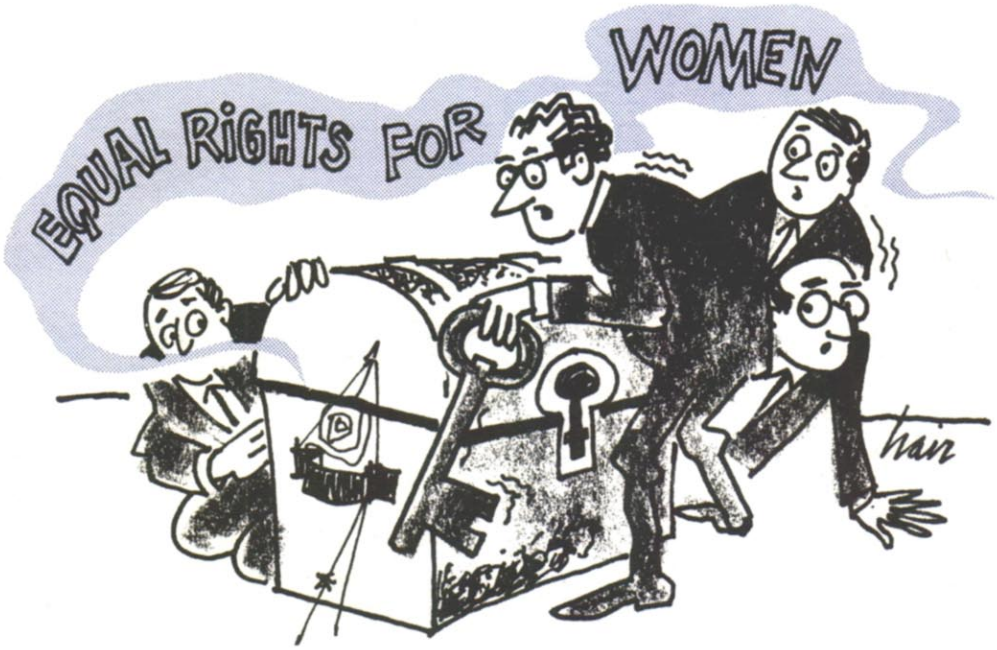
# California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

## Legislature Considers 2-year Sessions
## Report on the Capitol Press Corps
## Campaign Finance Reforms Proposed
## Crucial Democratic Presidential Primary
## The California Arts Commission

## Women's Rights Amendment Stalled




**April 1972 in Review**

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# Editor's Note

We have been reading with great interest the responses to last month's reader survey. Results of the multiple choice questions are now being tabulated by computer and the open ended questions are being analyzed and categorized by our staff. At a later date we will share with you some of the results of the survey.

In the meantime we need your cooperation. If you have not sent in your reader survey from the last issue, please do so right away. The greater the response from our readers, the more helpful it will be to us in making the *California Journal* an interesting and valuable magazine for you.

* * *

People ask us from time to time about our rather unusual publication schedule. *The Journal* is published the first Monday after the first Friday of each month and is dated the previous month because we attempt to cover the major events of that month. This scheme is somewhat confusing in a world used to magazines which appear a *month before* their cover date. This confusion will be increased next month when the *Journal* dated "May in Review" will come out a little later even than usual. We will delay the May issue a couple of days in order to give you the first complete statewide primary election results available anywhere. And if getting a May issue with June information on June 13th doesn't confuse you, then nothing will.

* * *

The article on the capitol press corps was prepared by Phil Thomas, a Sacramento State College graduate student in government, as part of his internship with the *Journal.*

* * *

A complete index to the 1971 Volume of *California Jounral* has been sent to all $25 and $50 *Journal* subscribers. It is now available to individual subscribers for $1.00 prepaid. Send $1.00 to *California Journal Index,* 1617 10th Street, Sacramento, California 95814.

* * *

We had the pleasure this month of attending a two-day conference on regional government sponsored by the California Council on Intergovernmental Relations at Asilomar on the Monterey Penninsula. It was a delightful way to gain a thorough grounding in the history, theory and practice of regional governmental bodies in California and the nation — there were as many out-of-state experts there as Californians. Of course, even lectures in advanced chemistry probably would be be fascinating in the Asilomar setting.

* * *

In future issues of the *Journal* we will begin to expand our coverage of local government affairs of statewide importance. This has been one of the most frequent suggestions discernable from our cursory review of the reader survey. And it was with this need in mind that we went to the CIR conference. It could be that regional government will be the first area to be covered.


# California Journal

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# Legislature Considers Plan to Reorganize its Calendar, Shift to Two-Year Sessions

Legislative assemblies frequently present a disorderly spectacle, not only in their daily meetings but also in the manner in which their calendars are laid out. If they conduct their business within sessions strictly limited to a certain number of days, they often wind up in a chaotic, carnival-like scene as they race to complete their work before the adjournment deadline. If, like California, they operate with no limit as to the length of their sessions, the sessions seem to drag on interminably as each legislator seeks every possible device to secure passage of each of his own bills, including some of the worst "turkeys", while at the same time putting off as long as possible a final decision on major legislation carried by his colleagues.

In recent years the California Legislature has experienced the frustration of both systems and is still looking for a better way to arrange its work. As recently as 1966 the California Legislature met in 120-day "general" sessions in even numbered years and was restricted to 30-day "budget" sessions in odd-numbered years (often supplemented by one or more "special" sessions called by the Governor). In 1967 the Legislature shifted to unlimited general sessions every year. And now it is considering the merits of going to sessions which will run for two years before final adjournment. This idea prompted the San Jose *Mercury* to comment, after the style of Will Rogers: "Them legislator fellers have come up with a great new idea. Now they are going to do in two years what they used to get done in one."

It may look that way to many, but legislative leaders of both parties are unhappy with annual sessions which require the Legislature to reorganize itself every January and often aid in the defeat of major pieces of leigslation before they have been fully studied and debated. Thus Senate President pro Tem James Mills and Senate Minority Leader Fred Marler have joined with Assembly Speaker Bob Moretti and Assembly Minority Leader Bob Monagan to sponsor a constitutional amendment, ACA 95, which provides that the Legislature shall convene on the first Monday in December in odd-number years and not adjourn until two years later, on November 30th of the even-numbered year.

### The 1966 Reform

It is somewhat ironical that the Legislative calendar based upon unlimited annual sessions, which California's Legislative leaders now find too cumbersome, is generally regarded as a major goal, second in importance only to an increase in legislative salaries, by most other state legislatures. The California Legislature, ranked in 1971 as the best organized state legislative body in the nation, is looked to as a model by many states for its calendar and its salaries.

The present calendar was written into the state constitution in 1966 when the voters approved a package of constitutional amendments removing the ceiling on legislative salaries and establishing annual sessions of unlimited length. These changes were brought about primarily through the efforts of Assembly Speaker Jesse M. Unruh who made legislative "reform" one of the principal objectives of his regime.

The campaign for legislative reform began in 1962 when the voters agreed to the creation of a Constitutional Revision Commission to review and modernize the many obsolete and antiquated provisions of the state's 1879 constitution. When the commission issued its first report to the Legislature in early 1966, it recommended a number of changes in those sections of the constitution which establish the executive, legislative and judicial branches of state government, of which the proposed changes for the Legislature were by far the most significant. Among the commission's recommendations were annual sessions of 166 days in length, the carry-over of unfinished business of the first year's session into the second year's session, following the procedures of the U.S. Congress, and removal of the $6,000 limit on legislative salaries.

The most powerful Sacramento lobbyists were adamantly opposed to these changes, however, and most of all to the carry-over provision. Lacking strong popular backing for any of the changes, Unruh found it necessary to compromise with the lobbyists. He eventually agreed to deletion of the carry-over feature in exchange for their support for salary increases and unlimited sessions and for their cooperation in selling the package of amendments to the voters. This they did, with the result that Proposition 1a was approved by the voters in November 1966, the only major item of constitutional revision to win popular acceptance.

### 1969 Study

Shortly after Republican Bob Monagan replaced Unruh as Speaker of the Assembly in 1969, he sponsored a formal study of legislative procedures to explore better ways to organize the work of the Legislature and to increase the efficiency of its operations. To assist him he appointed a select Assembly committee and contracted with Judson Clark, a former Assembly consultant, to undertake the necessary research and to frame recommendations for the committee's consideration. The select committee's report was issued in 1969, and a proposed constitutional amendment which the committee recommended was introduced by Monagan


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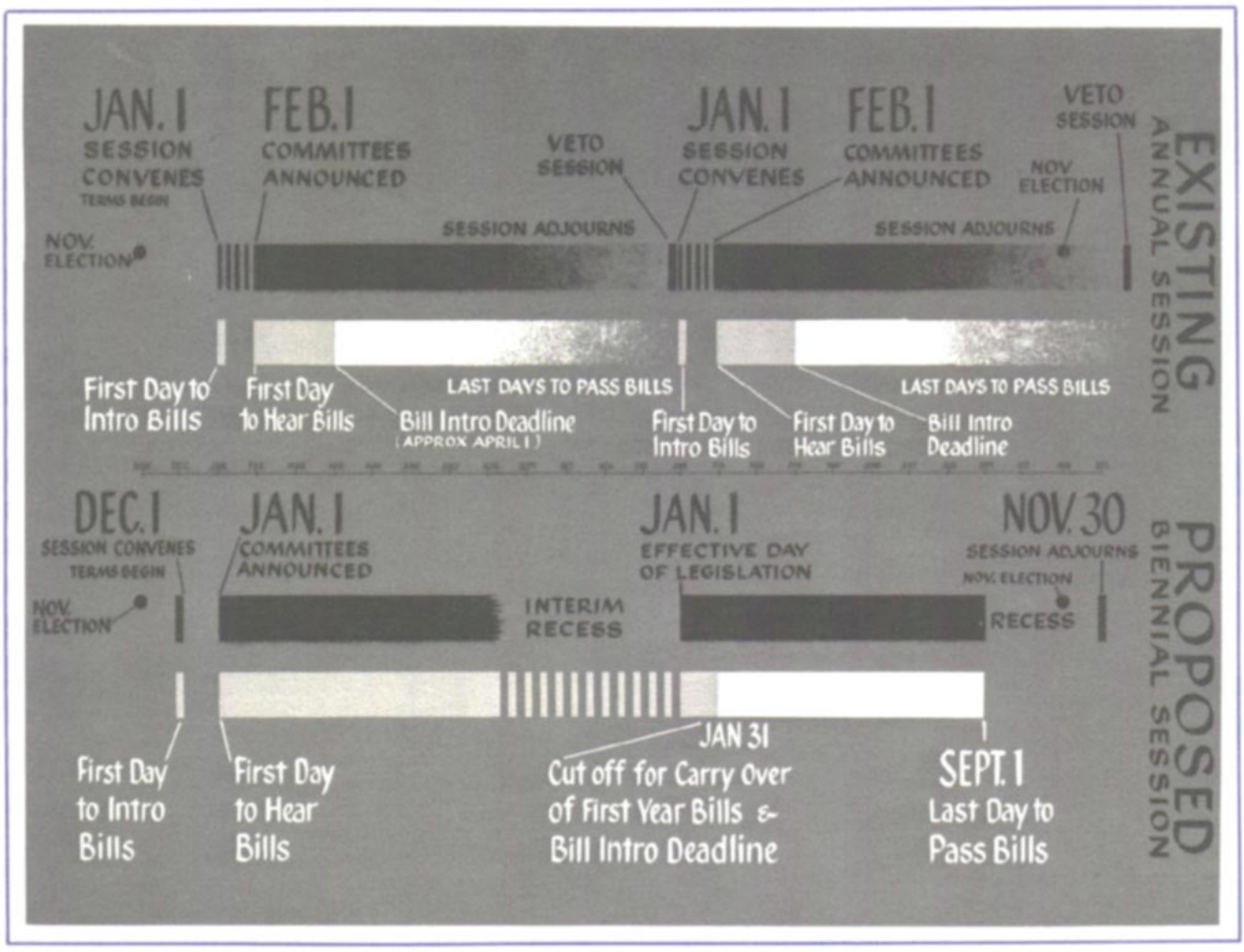


on the second day of the 1970 session ( see *California Journal,* January 1970, page 21). The amendment passed the Assembly 59-5 but was held for study by the Senate Rules Committee.

In 1971 Monagan was replaced by Bob Moretti as Speaker and the subject of reorganization was deferred while the Legislature battled over reapportionment. In the meantime, however, the new Senate leaders also became interested in making the legislative process more efficient, and late in the 1971 session President pro Tem Mills introduced a resolution, SCR 136, calling for a new study of legislative procedures.

Upon adoption of SCR 136, the Joint Rules Committee signed a contract with Clark and Phillip H. Schott, a former chief administrative officer of the Assembly and Unruh political tactician. The study contract calls upon the consultants to submit, by August 31, 1972, their recommendation for legislative reorganization, together with a plan for implementing those recommendations.

The first action of the consultants was to interview members of the Legislature as to their views concerning the deficiencies of the existing legislative structure and calendar and their opinions concerning proposed changes. In early March Clark and Schott submitted a preliminary report to the Joint Rules Committee outlining their progress, and then, based upon that report, drafted ACA 95 for introduction by Mills, Marler, Moretti, and Monagan.

**Two-year Plan**

Under the new proposal, the Legislature is to be able to function continuously in one two-year session stretching from one general election to the next. By contrast, under the present system of annual sessions there is no continuity between sessions. At the beginning of each new session officers must be elected, committees appointed, and all proposed new legislation introduced. No bills may be carried over from one year to the next; each must be reintroduced, reprinted and reconsidered again, usually by the same committees which acted upon it in the previous year. Such a procedure, say the proponents of the new plan, is not only wasteful of legislators' time and energy but makes it unduly difficult to secure passage of important new pieces of legislation.

What is needed, they say, is something like the Congressional system, under which bills which are still pending at the end of the first year are permitted to be carried over to the second year of the biennium. Five states which have annual sessions follow the congressional plan. Some states which still operate under one session every two years have adopted a practice of recessing in the first year to a time certain in the second year. However, no state has proposed to accomplish this objective by constituting a two-year legislative session. Further, the California proposal differs from the congressional plan by restricting carry-over of bills from the first year to the second to those


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measures which have been adopted by the house of origin by the thirtieth day of January of the second year.

### Reorganization

Another objective of the new plan is to minimize the loss of time to organizational activities. Under the present system, the first month of each annual session usually must be devoted in large part to internal reorganization, particularly in odd-numbered years when the preceding general election results in a turn-over in leadership (as occurred following the last two general elections) and substantial changes in membership.

ACA 95 attempts to solve this problem by beginning each new session on the first Monday in December following a general election, rather than waiting until January of the new year. In this way the Legislature is to be able to elect its leaders who then can assign office space and appoint committees a month early. In the second year, with no break in the session, there will be no need to go through the motions of reorganization which are now required. Instead, January is to be an active month devoted to action on those bills which have yet to be adopted or defeated in their houses of origin.

### Other Advantages

When the unlimited annual sessions were begun in 1967, it was believed that the lack of a fixed adjournment date would permit the Legislature to determine for itself how long it should stay in session each year to deal with the business before it. But in practice this has meant that there is often considerable controversy as to when a session should end, and the adoption of an adjournment resolution often consumes as much of the leadership's attention as does a major piece of legislation. Getting both parties in both houses to agree on an adjournment date before other issues have been resolved inevitably distracts the legislators from their other responsibilities and often adds unnecessarily to interparty and interhouse friction.

Supporters of ACA 95 believe that another provision will also help to expedite legislative business. Under the proposed new plan, most legislation is to become effective January 1st rather than sixty-one days after adjournment (following the "veto session") as is now the case. The exceptions are to be bills carrying an appropriation, tax legislation, and "urgency measures" (all of which require a two-third majority for passage), bills setting election dates, and bills which specify a later effective date. Inasmuch as the constitution requires that there be a 90-day period from enactment to the effective date of a new law (to give time for a referendum petition), there will be a strong incentive to get most bills passed by the end of September, since ordinary bills enacted later in the year can not take effect for more than a year. And in order for the Governor to have time to sign or veto bills sent to him and to allow the Legislature to consider any vetoes, an additional twelve to fifteen day period will have to be allowed, making mid-September the effective end of bill passing activity in the first year of the two-year session. In the second year the proposed amendments set September 1st as the last day to pass bills. After this date the Legislature can act only on urgency measures or vetoes. Proponents contend that these time limits plus the limited carry-over of bills will discourage legislative procrastination.

### Interim Studies

Proponents of the new plan also argue that committees will be encouraged to use the last three months of each year to conduct the interim studies necessary for the preparation of major pieces of legislation. In recent years time for interim studies, which used to be an important element in the legislative process, has all but disappeared. It is not altogether clear, however, that the uniform January 1st effective date for most bills will actually make it easier for either or both houses to recess during the last three months of the year. Many major pieces of legislation require an appropriation and will thus be exempt from the standard effective date, as will any other measure to which an urgency clause is added.

Critics of the plan also point out that it is similar in many ways to the congressional system and that Congress appears to conduct its business with no less confusion and disorder than the California Legislature. Speaker Moretti and other supporters of the plan claim, however, that it avoids the major shortcomings of the congressional system. The plan sets definite limits on

**PROPOSED CHANGES IN CONSTITUTIONAL PROVISIONS CONCERNING THE LEGISLATURE**

| Proposed | Existing |
|---|---|
| **Terms**<br>• Terms of members begin on first Monday in December following general election. | **Terms**<br>• Terms begin on the first Monday after January 1st following election. |
| **Sessions**<br>• Biennial session to convene on the first Monday in December and adjourn on November 30th of the following even-numbered year. | **Sessions**<br>• Annual sessions convene on the first Monday after January 1st and adjourn whenever both houses can agree on a date. |
| **Vetoes**<br>• Abolishes veto sessions. If the Legislature is in recess when a veto is returned, it will be considered at such time as the Legislature reconvenes (if at all). | **Vetoes**<br>• Veto sessions of up to five days are held 30 days after each annual session. There is no veto session following a special session. |
| **Effective date**<br>• January 1st is the uniform effective date for most measures. Measures calling elections, tax levies or appropriations and "urgency measures" take effect immediately upon enactment. | **Effective date**<br>• Statutes take effect on the 61st day after adjournment of the regular session (on the 91st day after a special session). Urgency measures take effect immediately. |
| **Carry-over**<br>• Bills introduced during the first year may be considered during the second year if they have been passed by the house of origin by the 30th day of January of the second year. | **Carry-over**<br>• No bill introduced at one session may be continued (without reintroduction) before the Legislature at any other session. |
| **Miscellaneous**<br>• Deletes constitutional prohibition against either house recessing for more than three days without the consent of the other. Unless procedures for joint agreement on recess are provided by rules, either house could recess at its own discretion.<br>• Permits passage of an appropriation bill in advance of the budget by either house but not both houses. | **Miscellaneous**<br>• Contains recess restriction. Either house (or both) may recess for four or more days only upon passage of a concurrent resolution.<br>• No appropriation bills may be passed by either house before the budget (unless accompanied by a letter from the Governor calling for an emergency appropriation). |


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the length of each session, Moretti argues, and does not allow unlimited consideration of bills throughout the session as does the congressional system. Nor does it have the continuous two-stage authorization-appropriation process which Congress employs. The proposed new plan requires the budget to be passed by June 15th just as under the Legislature's present rules.

### Prospects for Passage

ACA 95 will almost certainly be passed by the Assembly by a substantial margin. Only very seldom is a Speaker unable to get a bill he wants out of his own house. But the Senate is a different matter. As of this writing, ACA 95 has only one sure vote in the Senate Rules Committee: that of coauthor and Rules Chairman James Mills. Moreover, while there is no indication of substantial opposition to the proposal among individual Senators, there has been no outpouring of enthusiasm for it either. Nor is there any likelihood of developing significant public pressure for this measure. Thus, in the absence of any strong support for the proposal, the views of the third house are again likely to be a significant factor.

**A Decade of Legislative Sessions**

| Calendar Dates† | Days in Session |
|---|---|
| 1961 — Jan. 2 to June 16 (166) | 114 |
| 1962 — Feb. 5 to Apr. 3 (58) | 22 |
| 1st Ex. Mar. 7 to Apr. 13 (38) | 25* |
| 2nd Ex. Apr. 9 to Apr. 13 (5) | 5* |
| | 166 |
| 1963 — Jan. 7 to June 21 (166) | 109 |
| 1st Ex. July 8 to Aug. 1 (25) | 16 |
| 1964 — Feb. 3 to Mar. 26 (56) | 18 |
| 1st Ex. Feb. 3 to May 23 (111) | 56* |
| 2nd Ex. Mar. 30 to May 23 (55) | 34* |
| | 233 |
| 1965 — Jan. 4 to June 18 (166) | 107 |
| 1st Ex. June 25 to July 6 (12) | 8 |
| 2nd Ex. Sept. 20 to Nov. 4 (46) | 27 |
| 1966 — Feb. 7 to Apr. 4 (57) | 18 |
| 1st Ex. Feb. 10 to July 7 (148) | 81* |
| 2nd Ex. Apr. 5 to July 8 (95) | 52* |
| | 293 |
| 1967 — Jan. 2 to Sept. 8 (250) | 143 |
| 1st Ex. Sept. 5 to Sept. 7 (3) | 3* |
| 2nd Ex. Nov. 6 to Dec. 8 (33) | 21 |
| 1968 — Jan. 8 to Sept. 13 (250) | 137 |
| 1st Ex. Sept. 9 to Sept. 20 (12) | 10* |
| | 314 |
| 1969 — Jan. 6 to Sept. 10 (248) | 136 |
| 1970 — Jan. 5 to Sept. 23 (262) | 150 |
| | 286 |
| 1971 — Jan. 4 to Jan. 3 (365) | 199 |
| 1972 — Jan. 3 to date | 64 |

†Including Saturdays, Sundays and periods of recess
*Sessions run concurrently

### Third House Opposition

ACA 95 presents a number of potential problems for the representatives of organized interests. The great majority of the most influential advocates in Sacramento have a predisposition for the status quo and against change. But ACA 95 clearly represents a substantial change in legislative procedures, and that alone is enough to create significant third house opposition. Moreover, it is evident that a number of important lobbyists oppose the measure for other reasons, as well. Although none has been eager to discuss his own opposition for publication, several lobbyists have been willing to discuss the "objections I've heard other guys raise."

From these statements, it appears that the lobbyists have two chief objections to the new plan. Those advocates who work on contract with one or more clients are concerned that the proposed calendar will result in a reduction in their earnings. The contract lobbyist works on the basis of the number of bills a client wants to follow, their importance to the client, and the amount of work involved in getting bills defeated, amended, or passed. With bills carried over from one year to the next, there will be fewer bills in a two-year period, but not necessarily less work (and possibly more) involved in affecting their disposition. Yet it may be difficult for some of these lobbyists to persuade their clients to pay as much for their services under the new system as under the old.

Secondly, it could well turn out that two-year sessions will make it easier to win passage of major new legislative proposals. Presently there is a general rule of thumb that major proposals take three years to pass: one to get the idea known and to work out some of the bugs; one to get the bill out of the first house; and one to get it out of the second house. With bills carried over to the second year and the greater possibiilty for interim study in the middle of the session, it is possible that major proposals can pass in one two-year session. Lobbyists who actively advocate little or no change — and that includes many of the most powerful lobbyists — must oppose anything which would make it easier for major legislation to pass.

### Probable Senate Showdown

Because most of the major lobbyists represent business interests whose opposition to a ballot proposition could be significant, the sponsors of ACA 95 will probably have to satisfy some of their criticisms of the proposal. Legislators know that there is little public sympathy for their difficulties and minimal interest in any reorganization proposal. Moreover, while it is possible that these changes may permit the Legislature to function more efficiently, there is no guarantee that they will. In fact, some features, including the carry-over rule, may on occasion encourage the delay of major legislation for partisan gains and other reasons.

All of these factors may contribute to a decline in interest in reform on the part of the legislators, particularly as other priorities compete for their attention. The recent action to require recorded committee votes may constitute all the "reform" the Legislature can handle this year. On the other hand, if the public comes to view the proposal, as its advocates do, as a device which gives the Legislature another set of tools with which to try to improve the deliberative machinery, the proposal may yet go somewhere. And in any case the Joint Rules Committee study is not completed, for regardless of the immediate fate of the amendment, the joint committee will continue its work, focusing on operations of the Legislature which must be changed if the constitutional changes are adopted, and also exploring ways to increase legislative efficiency which are not dependent on the passage of ACA 95. These include such complex problems as scheduling of legislative workload to eliminate conflicts, uniform committee procedures, and changes in the budget review and appropriations process.

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# Labor Opposition Stalls Equal Rights Amendment in the Senate

BY GERALDINE L. SHERWOOD

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.
"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

---

After nearly 50 years of public hearings and debate, Congress finally passed the Equal Right Amendment (ERA) on March 22nd, sending it to the states for ratification. The final vote was 354-23 in the House of Representatives and 84-8 in the Senate. Efforts in both houses to place limitations on the application of the amendment through riders which would have exempted women from compulsory military service and allowed the continuance of some conflicting state laws were defeated.

Thirty-eight state legislatures must approve the ERA within the next seven years for it to become the 27th amendment to the U.S. Constitution. Sixteen have done so, but six have adjourned within the last 30 days without ratifying the amendment, and the legislatures of 19 states will not be in session until 1973. Thus, there are too few legislatures still in session this year to complete ratification even if all act affirmatively. Because it will not become effective until two years after the 38th state gives its approval, the earliest the amendment can now go into effect is mid-1975.

### Assembly Approves

In California, identical resolutions to ratify the rights amendment were introduced in the Assembly by Assemblyman Walter Karabian and in the Senate by Senator Mervyn M. Dymally. Karabian's measure, AJR 17, stalled for a time in the Assembly Rules Committee, but was finally referred to the Judiciary Committee where it was given a public hearing on April 17th. After a four-hour session that ended just before midnight, during which representatives of labor and women's right's organizations testified at length, the committee approved the measure 8 to 2, and sent it to the Assembly floor.

The Assembly ratified the ERA on April 20th by a vote of 56 to 11, after turning back, 41 to 27, an attempt by Assemblyman Edwin L. Z'berg to condition ratification upon enactment of two bills extending women's labor protections to men. The two measures, carried by Assembly Democrats Charles Warren and Willie L. Brown, grant to men the minimum wage, mandatory time and one-half overtime pay, and other employment benefits which California labor laws now grant to women. Both bills are backed by the AFL-CIO, which is convinced that unless these provisions are extended to male workers, the courts will strike them down as unconstitutional once the equal rights amendment has been ratified.

The Z'berg labor rider was flatly rejected by Assembly Republicans and a handful of Democrats after two hours of floor debate. Assembly Republican leader Robert Monagan termed it legislative blackmail. Assemblyman Leroy F. Greene, a Sacramento Democrat, warned that "any change of any kind in either of the two bills tied to passage of the ERA effectively kills the women's rights amendment." Nevertheless, two of the Assembly's three female members, Yvonne W. Brathwaite and March K. Fong, both of whom strongly identify with working women, voted in favor of the labor rider.

### Stalled in Senate

It did not go quite so well on the Senate side for backers of the amendment. Prior to Assembly approval of Karabian's resolution, the Senate Rules Committee defeated Senator Mervyn Dymally's measure, SJR 20, on a 2 to 2 vote. Dymally asked for and was granted reconsideration, but at an April 26th rehearing which ran two and one-half hours, the committee voted 4-0 in favor of a motion by Senator Robert S. Stevens to take the measure under submission. Stevens said he made his motion to keep the resolution from being killed, but according to Dymally it amounts to the same thing. "For this year it's dead," said Dymally after the committee vote. Two members of the five-man Senate Rules Committee support the amendment: Stevens and Joseph M. Kennick. The other three members, Chairman James R. Mills, Stephen P. Teale, and Robert J. Lagomarsino, show no signs of softening their opposition.

### Prospects for Passage

If a third affirmative vote is not forthcoming from the Senate Rules Committee, there are still three ways in which it could be rescued, but none of the three offers any real hope. Supporters might possibly induce the committee to release the resolution without recommendation, or they can try for a motion to withdraw it from committee, which requires 21 affirmative votes. But both of these actions are highly unlikely; they are extremely uncommon legislative procedures. The third possibility is to induce the Senate Rules Committee to follow the Assembly example and rerefer the ratification resolution to the Judiciary Committee for consideration. It is reported, however, that the Judiciary Committee is not particularly eager to be so favored.



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Organized opposition to the ERA has come primarily from labor: the California Labor Federation, AFL-CIO; Union Women's Alliance to Gain Equality, a coalition of women's unions; the American Federation of Teachers, AFL-CIO; the Retail Clerks Union; and others. These labor organizations are primarily concerned that adoption of the amendment may result in the nullification of important protections and special benefits for female workers. It is for this reason that the AFL-CIO twice attempted, unsuccessfully, to delay Assembly approval of the ERA resolution until legislation extending protective labor laws to men had been passed. The United Auto Workers, not affiliated with the AFL-CIO, and a few public employee groups, such as the Los Angeles County Employees Association, have endorsed the amendment, as have the teamsters' and painters' unions nationally.

Among the most prominent supporters of the amendment in California have been the National Organization for Women, Common Cause, the American Civil Liberties Union, the California Federation of Business and Professional Women, the NAACP, the California Democratic State Central Committee Women's Division, the American Association of University Women, the California Welfare Rights Organization, the Women Lawyers Association, the YWCA, and the Women's Equity Action League.

### Uncertainty

During the decades it has been before Congress, the women's rights amendment has been the subject of voluminous studies, reports, and transcripts of testimony, and its legal ramifications have been extensively analyzed. Nevertheless, it continues to be viewed by many with suspicion and uncertainty, and there is considerable disagreement among respected legal authorities as to its precise effects on all the areas of law which will be affected. For years, for example, the most potent argument in congress against adoption of the equal rights concept was that it will, in effect, outlaw nearly all the distinctions between the sexes, including the provision of such sex segregated facilities as public restrooms and prisons. Most legal experts now agree, however, that the amendment will not prohibit laws or behavior based upon genuine physiological differences between men and women. A law which relates to child-bearing, for example, could only apply to women because pregnancy is a physical characteristic related only to women. And the assumption that sex-segregated facilities will no longer be permitted is incorrect. The right of privacy has been established in the 1965 case *Griswold v. Connecticut*. Thus, the equal rights amendment will not force integrated restrooms or integrated sleeping accommodations in educational, penal, and other public institutions. But laws which treat women differently than men on the basis of alleged non-physiological differences are very likely to be found unconstitutional.

Those who support the amendment say that the equality principle which it embodies will ultimately benefit both men and women. On the one hand, they say, specific rights and responsibilities heretofore reserved to one sex will be available to both, and on the other, many unjustifiable legal preferences enjoyed by only one sex will be nullified. Nevertheless, as one California Assemblyman has noted, adoption of the single basic principle in the equal rights amendment will have the effect of legislating in nearly every field of law in which there are now provisions which treat men and women differently. "I realize there will be legal chaos coming out of the amendment," said Attorney Marilyn Patel, responding to a similar statement by a member of the Senate Rules Committee, "but there is legal chaos now."

### Focus of Controversy

Most of the current controversy regarding the potential legal impact of the amendment now centers on three main areas: protective labor laws, family law, and military service. In California it is the amendment's potential effect on labor laws, and particularly those protections now provided for women, which has become the focus of greatest attention. As noted earlier, organized labor, which supports the extension of these laws to men, fears the amendment may invalidate all existing statutory protections; ERA supporters contend there are ample legal precedents for believing that many of these laws will be extended to apply equally to men; and business and industry are generally opposed to such an extension for economic reasons.

Constitutional law experts have long debated what the courts may do once an equal rights amendment is in effect, but now appear generally to believe that the wording of the amendment will be interpreted so as to extend "beneficial" protective labor laws to men and to invalidate "restrictive" ones. This conclusion appears in several recent studies of the ERA, most notably the April, 1971 issue of the *Yale Law Journal* and the U.S. Senate Judiciary Committee Report No. 92-689 of March 14, 1972.

The distinction between "beneficial" and "restrictive" protective laws is not altogether clear, however. When applied to different segments of the female work force, regulations which benefit one class of female workers may restrict another class. In the case of female factory workers, the protection afforded by industrial labor regulations is considered to be essential. But for business and professional women many of the protective regulations, such as the limitation on the number of hours women may work, are now believed to be unfairly discriminatory.

### Restrictive Laws Nullified

Most of California's protective laws, which apply only to women and minors, appear to fall in the "beneficial" category. These include the minimum wage rates of $1.65 per hour for women and $1.35 per hour for minors; time and one-half for overtime; heating, ventilation and restroom requirements; and provisions for meals and rest periods. California's "restrictive" labor laws, such as those which prohibited a woman from lifting over 50 pounds or working more than eight hours a day, were struck down last June by the U.S. Ninth Circuit Court of Appeals in *Rosenfeld v. Southern Pacific* because they discriminated against women as a class. The basis for the nullification, as in 21 other states, was Title VII of the 1964 Civil Rights Act. Seven months earlier the same court, in *Local 246, Utility Workers Union of America, AFL-CIO, et al. v.*



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*Southern California Edison Co.*, had found the state's protective weight-lifting law for women to be invalid for the same reason.

The essential problem for the courts if the equal rights amendment is enacted, it appears, is to determine which labor protections are truly "beneficial" and which are "restrictive". A few, like provisions requiring extra payment for overtime, may be at once beneficial and restrictive, however. Under state law, women cannot work more than eight hours per day without being paid at the rate of time and one-half. While this regulation is beneficial in most cases, it serves to discriminate against women in others. Forced to work in accordance with the overtime regulation, some women are unable to compete equally with men in the labor market. Often the overtime compensation law is used as a means of denying women promotions to better paying positions which require substantial amounts of overtime.

The solution to the problem of state protective laws, advanced by organized labor and equal rights advocates alike, is to extend such protections to men. The California AFL-CIO has publicly endorsed an extension of all protections to men, except for weightlifting restrictions. These pose a special problem because of the difficulty of arriving at a single standard which can be applied to both men and women without discriminating against either sex.

Five bills pending before the Legislature provide for varying degrees of extension: AB 256 (Warren) applies the $1.65 minimum wage to men; AB 1163 (Sieroty) extends to men the minimum wage, maximum hours, and other industrial welfare regulations, with the exception of weightlifting standards; AB 1710 (Brown) extends all women's protections except weightlifting limits to men; AB 1711 (Brown) extends the minimum wage and increases it to $2.00 per hour; and AB 2079 (Brathwaite) applies maximum working hours limitations to men.

**Women and the Draft**

Another major argument advanced in opposition to enactment of an equal rights amendment is that it will require the extension of military obligations to women. The U.S. Senate Judiciary Committee has analyzed the expected result of this extension in its report of March 14, 1972.

> "It seems clear that the Equal Rights Amendment will require that women be allowed to volunteer for military service on the same basis as men; that is, women who are physically and otherwise qualified under neutral standards could not be prohibited from joining the service solely on the basis of their sex.
>
> "It seems likely as well that the ERA will require Congress to treat men and women equally with respect to the draft. This means that, if there is a draft at all, both men and women who meet the physical and other requirements, and who are not exempt or deferred by law, will be subject to conscription. Once in the service, women, like men, could be assigned to various duties by their commanders, depending on their qualifications and the service's needs.
>
> "Of course, the ERA will not require that all women serve in the military any more than all men are now required to serve. Those women who are physically or mentally unqualified, or who are conscientious objectors, or who are exempt because of their responsibilities (*e.g.*, certain public officials; or those with dependents) will not have to serve, just as men who are unqualified or exempt do not serve today. Thus the fear that mothers will be conscripted from their children into military service if the ERA is ratified is totally and completely unfounded. Congress will retain ample power to create legitimate sex-neutral exemptions from compulsory service."

While it is conceivable that the issue of the draft may be moot by the time the ERA takes effect, the probability of combat duty for women is accepted by those supporters of the equal rights amendment who believe that women should be treated as full citizens and share in the responsibilities of military service. Some women who may be drafted will not qualify for combat duty if

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current physical and mental standards are continued; however, others will. Just as a percentage of men do not meet physical and mental requirements for military service, a percentage of women will also not meet these requirements. The number who do would depend upon the standards in effect at the time, not simply a belief that women are physically or emotionally unsuited for combat or combat-related duty.

**Family Law**

The ERA's effect on family relations and community property laws will be to equalize the now very unequal husband-wife relationship. California presently gives management and control of all property acquired during marriage to the husband, even though under community property laws it is owned jointly by both spouses. In addition, the husband is designated by law as head of the family, and the wife's residence is automatically that of the husband. Community property is not liable for the debts of the wife, a fact which makes it more difficult for the wife to obtain credit in her own name. And a married woman desiring to establish her own business cannot do so unless she obtains a court order.

All of these restrictions serve to place the wife at considerable disadvantage in the marriage contract. If her husband must work out-of-state temporarily, she may suddenly lose her residency status for purposes of voting or attending an institution of higher education. A further inequity in the husband-wife relationship arises upon the death of a spouse. When the wife dies, the community property passes to the husband without first being subject to the wife's debts, unless her will directs otherwise. When the husband dies, his estate is subject to probate before the wife is entitled to receive her half of the community property. If the equality principle embodied in the ERA is established as constitutional law, these and other traditional legal "advantages" enjoyed by the husband will most likely be invalidated.

With regard to child support and alimony, it is expected that the ERA will require that responsibility for a child's support be placed on both spouses, based on actual economic need and financial ability. In California, primary criminal liability for child support attaches to the father, and greater civil liability is placed on the father than the mother. It is reasonable to suppose that if California's child support laws are challenged eventually on the basis of the rights amendment, they will be found to discriminate against the father. Similarly, payment of alimony to the wife on the basis of her sex will probably be declared in violation of the equal rights principle.

Insofar as child custody is concerned, California has a statutory provision which states that custody shall be awarded "to either parent according to the best interests of the child, but other things being equal, custody should be given to the mother if the child is of tender years." Most legal authorities agree that this statement of maternal preference will be eliminated if challenged on the basis of the equal rights amendment. However, some experts also say that the ERA may have no effect on a court's discretionary application of maternal preference since most courts will continue to be inclined to award custody of minor children to the mother, all things being equal.

The net effect of an equal rights amendment on family law, in the view of women's rights advocates, will be to correct the numerous inequities which now deprive a wife of full rights, privileges, and responsibilities within the marriage contract.

**Other Legislation**

A number of bills have already been introduced in the Legislature for the purpose of accomplishing now what the ERA will most likely mandate, if and when it is ratified. These bills include measures to provide for joint control and management of community property by both husband and wife — AB 1107 (Waxman), AB 1174 (Hayes), SB 45 (Dymally), SB 76 (Nejedly), and SB 1337 (Beilenson); establish the wife's right to legal domicile — AB 566 (Waxman) and AB 663 (Dunlap); give the wife the same rights to control and administer community property upon the death of her husband as he has upon her death — AB 936 (Waxman), AB 1173 (Hayes), and SB 398 (Dymally); eliminate the statutory maternal preference in child custody proceedings — AB 662, (Dunlap); and allow wives to establish credit in their own names — SB 619 (Beilenson), SB 1153 (Song), and SB 2031- (McCarthy).

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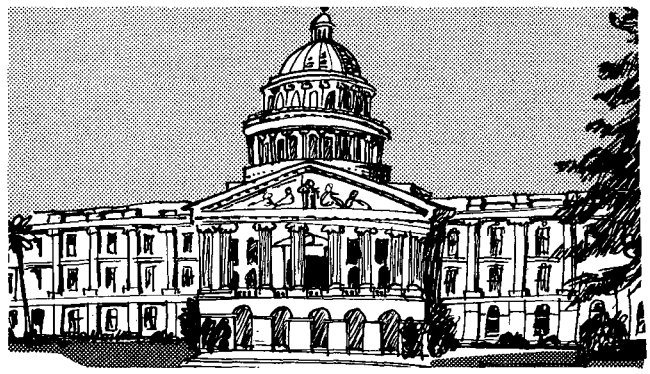
**Legislation for The Aging is Introduced**

The Joint Committee on Aging has prepared seven bills (AB 1200-1206) co-sponsored by committee chairman Assemblyman Leo T. McCarthy, Assembly Speaker Bob Moretti and Senator Joseph Kennick. The bills, if enacted, will provide senior Californians with such benefits as increased property tax relief for homeowners, the initiation of tax relief for renters, and state participation in the new Federal program of nutrition for elderly Americans. One of the bills will lower the age of eligibility for Old Age Security benefits from 65 to 62, and another will make it mandatory for all counties to provide food stamps to OAS recipients.

The joint committee's legislative package does not deal, however, with one of the most heavily criticized features of the 1971 Welfare Reform Act, known as the relatives' responsibility law, which significantly raised the contribution scale for adult children whose parents receive Old Age Security. Assemblyman Joe A. Gonsalves and Senator Ralph C. Dills have introduced legislation (AB 667 and SB 42) to restore the maximum responsible relatives scale to the pre-Welfare Reform Act level. Assemblyman Gonsalves stated in a press release that "it is grossly unfair to require thousands of California families to pay substantial contributions to the state when they already support a welfare program through taxes." In addition, he noted, "many aged parents have come to feel that they are an unnecessary and useless burden on their children."





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# Secretary of State Leads Effort to Stiffen State Campaign Financing, Reporting Laws

For many years candidates for state and local office in California have circumvented the state's campaign finance disclosure law either by hiding their funding sources behind vague and misleading reports or by failing to report at all. Until recently, they have been able to do so with impunity because the Secretary of State, who is charged with administering the election laws, has shown little interest in enforcing those provisions requiring the disclosure of financial support. Now, however, all of this is changing. The present Secretary of State, Edmund G. Brown Jr., who won office in 1970 after making the enforcement of the state's election laws a major issue in his campaign, seems intent upon giving the law real meaning.

Under existing state law, which dates back to the 1890's, every candidate for state and local office and every campaign committee must report the names of all those who contribute up to $500 to their campaigns and the names of and contributions received from donors of $500 or more. They must also report the total amount received by each candidate, the purposes for which the funds are spent, and the names of those to whom money is paid, lent or given. The term "contributions" is defined by law to cover not only money but "anything of value" including "the services of an employee donated by an employer." An initial report must be filed with the Secretary of State and the appropriate county clerk 20-25 days before the election (primary and general), and a final report must be filed 30-35 days after the election.

### Paper Committees

In practice, however, many candidates set up "paper" committees to disguise the real source of their support and to make it difficult to discover their total expenditures. Others file such abbreviated reports, listing only lump sums and failing to actually identify individual contributors, that little can be learned from them. In fact, it is a matter of standard procedure for most candidates to under-report the amounts they spend. And some candidates — usually unsuccessful ones — simply ignore the law altogether. As campaign costs have gone up over the years, and there has been little or no effort to enforce the reporting laws, more and more candidates have found it both easy and practical to evade the law.

### Finance Report Required

One of Brown's first actions upon taking office was to notify 134 candidates for state and local office in 1970 who had failed to file a campaign spending report that they were required by law to do so. He then filed suit against eight candidates (all losers) who failed to heed his warning. Although the suit may never go to court, the threat of legal action has been sufficient to obtain spending statements from all but four of the defendents.

Having established the fact that all candidates, winners and losers alike, will be required to file campaign finance reports, the Secretary of State now intends to make those reports into useful documents. On April 18th, Brown issued a 68-page booklet explaining the requirements of the state's campaign contribution disclosure laws and providing the revised forms required for compliance. Charging that many candidates had made a mockery of the state's laws, Brown said that his new guidelines will "serve notice to all men and women who seek public office that from this day on they must open their books to full public view."

Under Brown's rules every candidate will be required to disclose the full name and locality of each contributor, as well as the amount of the contribution. In addition, all political committees set up on behalf of one or more candidates will have to file detailed reports as to their sources of funds and how they are spent. As a consequence, says Brown, candidates will no longer be able to use such devices as "dinner committees" to hide the sources of their campaign funds. In the past many candidates reported lump sums as having come from dinner committees, which were not required to file reports. But as of now, Brown says, "the dinner committee evasion is illegal and will no longer be allowed."

### Lobbyists

The new guidelines also deal with the manner in which lobbyists are required to reveal their contributions to political campaigns. Until now lobbyists have often been able to circumvent the laws requiring them to report campaign contributions by lumping together funds provided by several clients and passed on to a number of candidates. Henceforth, a candidate who receives support from a lobbyist who acts simply as an agent for a client for this purpose will be required to list the real sources of the funds rather than just the lobbyist's name.

The Secretary of State says he intends to enforce the new guidelines fully. "Money in massive quantities is being funneled into political campaigns and much of it is delivered and spent behind a cloak of secrecy," says Brown. "I believe it is essential for taxpayers to know who is bankrolling political campaigns, to know the names of 'fat-cat' contributors who pay into political warchests. Full and honest disclosure of campaign funds is a first step toward guaranteeing the integrity of our elected officials." Although he believes that most



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abuses will be corrected by a simple phone call to the candidate, he also claims that his office has the final power to refuse to certify an election, an action which could block a successful candidate from taking office. In addition, Brown notes that he can seek a court order to force a candidate to disclose his financial support, and he says that he has made arrangements with the San Francisco and Los Angeles district attorneys to prosecute flagrent violations of the law and outright fraud.

### Broad Interpretation

Brown believes that the intent of the state's campaign finance disclosure law is clear. It is primarily the policy of nonenforcement, which he dates back to the 1940's, which robs it of meaning. Nevertheless, Brown acknowledges that his new rules interpret the law broadly and that any drastic enforcement action by his office is very likely to be challenged in the courts. It is to his advantage, however, that few candidates for public office will want to openly challenge the Secretary of State's rules and thus appear to want to keep their finances secret.

### New Law

As he released the new guidelines for compliance with the existing law, Brown also announced that he will soon recommend to the Legislature a new campaign finance law which will set ceilings on the amounts of money that candiates for state office may spend, and will provide for random audits of campaign finance reports. "The new legislation," Brown says, "will move toward what must be our eventual goal — publicly financed campaigns."

In the meantime, Brown's legal staff, led by special counsel Dan Lowenstein, a *magna cum laude* graduate of Harvard Law School, has been active on several related fronts. Most recently large donors to campaign for or against state ballot propositions were warned that they will face criminal charges if they attempt to conceal their contributions. Referring to his successful effort two years ago to identify three major oil companies which contributed $95,000 to help defeat Proposition 18 (see *California Journal*, December 1970, p. 346), Brown said that according to a subsequent court decision, "anonymous contributions in ballot measure campaigns are illegal, and I intend to fully implement that court ruling."

Brown himself has come under fire, however, for his alleged failure to enforce the election laws. A number of suits have been filed challenging the occupational designation and residency of several candidates whose word the Secretary of State has accepted. One of the suits seek to prohibit former Congressman George Brown Jr. from listing his occupation on the June ballot as "former congressman." Another charges that Assemblyman David Pierson is no longer a resident of the Inglewood district from which he hopes to be reelected to a second term. To these and other charges Secretary of State Brown says those who don't like his rulings can take their complaints to court.

### Federal Controls Proposed

The Secretary of State has no monopoly on concern for campaign spending regulations, however. At the national level, the Federal Election Campaign Act of 1971 went into effect on April 7th. The act places a limit of 10 cents per registered voter in the geographical area in which the election is held, or $50,000, whichever is more, on expenditures for the use of communication media by candidates for federal office. No more than 60 percent of this amount may be spent for broadcast media. The act also outlines stringent reporting requirements on the source of all contributions over $10 and on expenditures by candidates and committees. Campaign expenditures by the candidate and his immediate family are limited to $50,000 for the presidency or vice-presidency, $35,000 for Senate, and $25,000 for the House. Another provision of the act prohibits the now-common practice of charging higher rates for political advertisements than for other kinds of ads.

A second federal law, the so-called "check-off plan" will allow federal taxpayers to direct one dollar of their income tax payment toward financing the presidential campaign of their choice. This provision will begin with the 1972 tax year if the Internal Revenue Service receives the additional administrative budget it needs to administer the plan. The money raised under the plan will not be available to presidential nominees until the 1976 race, however.

> " . . . the proposed spending limits will restrict and limit the expression and dissemination of the views on matters of public policy of both party spokesmen and candidates for public office. However, no similar restrictions will be placed, for example, on major oil companies, which will remain free to saturate television with commercials persuading the public of the necessity for a pipeline development project, or advertising their commitment to fighting pollution. The major auto manufacturers will still be able to buy commercial time to "steer the public straight" on the entire matter of auto safety. Even the drug companies will be allowed to spend freely to convince us that drug prices are fair and reasonable, particularly given cost considerations.
>
> "In short, unless one can conjure up a mystical belief in some sort of countervailing power by which these competing private interests will somehow cancel each other out in the public interest, spending limits applied exclusively to candidates for public office will further tilt the public/private balance in the direction of the large private interests."
>
> Vic Fingerhut

### California Legislation

Here in California a number of proposals are under consideration to place limitations on spending, provide for public funding of campaigns, and expand the requirements for disclosure of campaign contributions and expenditures.

At least five bills have been introduced at this session of the Legislature which will limit the amount a candidate can spend in running for office. SB 302 (Deukmejian) proposes a spending limitation of 25 cents per registered voter by each candidate in state and local elections. SB 24 (Nejedly) provides for a limitation of 20 cents for each vote cast in the last primary or general election for the office sought. SB 128 (Alquist) limits expenditures by candidates for Governor and the U.S. Senate to 8 cents per registered voter in the primary and 14 cents in the general election. Candidates for state Senator and the House of Repre-



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sentatives are to be limited to 15 cents in the primary and 20 cents in the general election for each registered voter in the district. Assembly candidates are to be limited to 20 and 25 cents, and the candidates for the remaining constitutional offices limited to 4 and 7 cents.

Assemblyman Edwin L. Z'berg has introduced AB 1024 based on the Federal Election Campaign Act of 1971. The bill limits expenditures for use of "communication media" — broadcast stations, newspapers and magazines, outdoor advertising, and telephone banks to call voters — to 10 cents multiplied by the voting age population of the district or $50,000, whichever is more. No more than 60 percent of the amount spent for communication media may be spent for TV and radio. The bill also sets limits on the amount an individual candidate and his immediate family may spend: $35,000 for candidates for statewide office, $25,000 for multi-county offices and $15,000 for single-county offices. Assemblyman Leroy F. Greene has a spot bill (AB 476) which is similar to the Z'berg bill.

**Campaign Finance Statements**

Whether or not legislation to place some limits on the amount of expenditures will be successful, there are a number of bills which propose stricter requirements for reporting the sources of campaign contributions and the purposes for which campaign funds are spent.

Perhaps the most straightforward bill is AB 774 (Conrad) which requires the listing of all contributions received by candidates and their campaign committees rather than only those of more than $500 as is presently required. Another bill, AB 134 (MacDonald), requires each candidate or his campaign treasurer to verify they have used all reasonable diligence to ascertain and report the identity of all contributors.

A third bill, AB 1789 (MacDonald), requires the reporting of the full name and address of every campaign contributor and of the person responsible for each campaign committee. A similar measure by Senator Alquist proposes to lower the reporting limit from $500 to $100 for individual contributions and requires that the full name and address of each donor be listed. The bill also reduces the amount candidates and committees must raise or expend in order to be required to report from the present $1000 to $500.

**New Sources for Funds**

Several bills provide new sources of campaign financing with the apparent intent of making candidates less dependent upon a small number of wealthy contributors.

Two proposals, AB 1025 (H. Johnson) and AB 1437 (MacDonald), are modeled after the federal system of tax return check-offs and permit individual taxpayers to contribute $1 (AB 1025) or $2 (AB 1437) for political campaigns at the time they file their income tax returns. AB 1025 also allows the taxpayer to designate the party he prefers and provides for the dispersal of funds to candidates for various state offices based upon a rather complex formula. AB 1437 provides that all the contributions go into a single fund to be divided between the parties on the basis of their votes in previous elections.

AB 1565 (Waxman) provides for the reimbursement of certain expenses of candidates for partisan office out of the state's General Fund. The amount of reimbursement is established by a formula tied to the level of the office and the number of registered voters eligible to vote for the candidates. Another bill, AB 1564 (Waxman), provides for state income tax credits for political campaign contributions. And, finally, AB 1991 (Powers) authorizes deductions to be made from the salary of state employees to be paid to the party or candidates of the employee's choosing.

Although it appears doubtful at the moment that any of these measures will be successful this year, it is possible that the whole matter of campaign finance and spending will be the subject of considerable debate in the Legislature over the next few months.

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# Stalking the Capitol Press Corps in Its Natural Habitat

Like the Blob from outer space which threatened to envelop everything in its path, the Legislature continues to expand year after year within the walls of the capitol, filling new offices as fast as it obtains them, pushing out other long-time occupants of the building. Only a few years ago nearly all of the Department of Finance was housed within the capitol; now there is room only for the Director and his immediate staff. The Assembly Office of Research and all joint committee personnel were moved out early this year. Slowly but surely the offices of the individual members of the Legislature, their staff consultants, administrative assistants and secretaries have grown to fill nearly all of the capitol which has not been set aside for committee rooms, the Senate and Assembly chambers, or the offices of the Governor, Lieutenant Governor, Controller, Treasurer, and Secretary of State.

There is, however, one other group of tenants who so far have remained largely undisturbed — who, in fact, have actually expanded their holdings within the capitol. These unusual tenants are the capitol press corps, the newspapermen, wire service reporters, and radio and television broadcasters who cover Sacramento for over 350 newspapers and radio and television stations. There are now 31 offices in the capitol occupied by members of the press corps — including 17 offices on the second floor of the old capitol occupied by newspaper and wire service reporters and 14 offices occupied by television and radio newsmen on the fourth floor — which house a total of 73 newsmen and newswomen.

Of the 73 accredited correspondents that cover the capitol beat, only seven are women, and there are no representatives of minority ethnic groups. The majority of reporters at the capitol are college graduates and have had over six years working experience as reporters. According to the 1970 schedule of top minimum weekly salaries for reporters and photographers published by the American Newspaper Guild, a capitol correspondent who has six years reporting experience earns at least $240 per week.

### News Services

The two largest news staffs are those of the Associated Press and United Press International, each of which employs eight reporters and one photographer in its capitol bureau. UPI feeds news about state government to some 150 newspapers and 200 radio and television stations throughout the state, while AP serves 55 newspapers and 155 television and radio stations in California. Both services feed into national networks when the news warrants. In addition to the two wire services, the Copley News Services maintains a small bureau to provide news of the Legislature and the executive branch to some 90 daily and weekly papers, the majority of which are located in the southern part of the state. And there is the Capitol News Service with two full-time reporters feeding news to a large number of smaller California newspapers and radio and television stations.

Thirteen of California's largest newspapers, representing all of the state's major metropolitan areas, also maintain one or more permanent correspondents in Sacramento. The largest capitol bureau is that of the *Sacramento Bee* (which also serves the other McClatchy papers), which has seven accredited reporters. The next largest is that of the *Los Angeles Times*, which now has four reporters in its capitol bureau.

### Television Facilities

In 1964 technological changes which had long since given television a major role in news broadcasting finally penetrated the capitol. Despite continued reluctance on the part of newspaper and wire service reporters to recognize their colleagues in television, the Legislature was persuaded to provide the fourth floor office space which now serves the reporters and cameramen for the ten major California television and radio stations which cover Sacramento on a daily basis. And at about the same time the first floor press conference room was redesigned to improve its use for television. More recently, when the Assembly chamber was remodeled in 1969, a sound-proof, recessed booth was built to accommodate portable television cameras so as to permit coverage of Assembly proceedings without cluttering up the floor with equipment.

**ACCREDITED PRESS REPRESENTATIVES**

| Year | Number of Correspondents | Number of Wire Services, newspapers, radio & TV stations |
|---|---|---|
| 1925 | 27 | 15 |
| 1931 | 44 | 27 |
| 1941 | 90 | 44 |
| 1951 | 53 | 19 |
| 1961 | 61 | 20 |
| 1971 | 73 | 31 |
| 1972 | 73 | 33 |

### Heavy Demands

The primary job of most members of the press corps is to cover the proceedings of the Legislature and the actions of the Governor. This means however, that they must follow the development of all the major issues of the day — educational finance, tax policies, prison re-



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form, welfare administration and the like — plus those less prominent pieces of legislation and executive action which may have a more immediate importance for the localities served by their newspapers and stations. In addition, they must cover the Attorney General, the Department of Education, the Department of Finance and all the other important offices, agencies, boards, lobbyists, and pressure groups which are located in or converge upon Sacramento. Those who work for bureaus which have more than one or two full-time correspondents can specialize somewhat — emphasizing partisan political developments, fiscal affairs, or educational policies, for example — but most must try to achieve a quick grasp of nearly every action, policy and personality within the whole field of state government and politics which may be of interest to their editors and to their readers or listeners.

This is, of course, an impossible task which can only be dealt with by making a number of compromises in deciding what is important news, how much background research can be done, what sources of information are to be used, and the amount of detail which can go into each news story. Every reporter must develop a sense for what is news and what isn't, and few are free to do so without careful consideration for the views of their employers, their own ability to understand a broad array of subjects, the limitations of their media, and the public's demand for instant reporting that is nurtured by the press itself.

All of this does little to dispel the feelings of frustration and cynicism which plague the most conscientious journalists. Not surprisingly, many capitol correspondents complain about the dullness and monotony of legislative sessions, their frequent inability to crack the public facade of major political figures, and their lack of opportunity to pursue any single subject or issue to the extent they would like. They also complain that they are required to meet too many deadlines, to cover too many trivial and routine stories, and have to deal with too many uncooperative public officials who hope to deny the public what it needs to know about the workings of state government. And nearly all express regret that their colleagues seem too often to report the superficial part of the news and miss events, actions, and policies of real significance.

Nevertheless, the capitol press corps is without doubt a highly professional group and is probably unmatched outside of Washington, D.C. Californians demand more of their state government than do the citizens of most other states, and they are much better informed, as well, as a result of the extensive coverage of Sacramento by the multitude of newspapers and television stations which either maintain their own correspondents in the capitol or subscribe to the wire or other news services.

### Correspondents Association

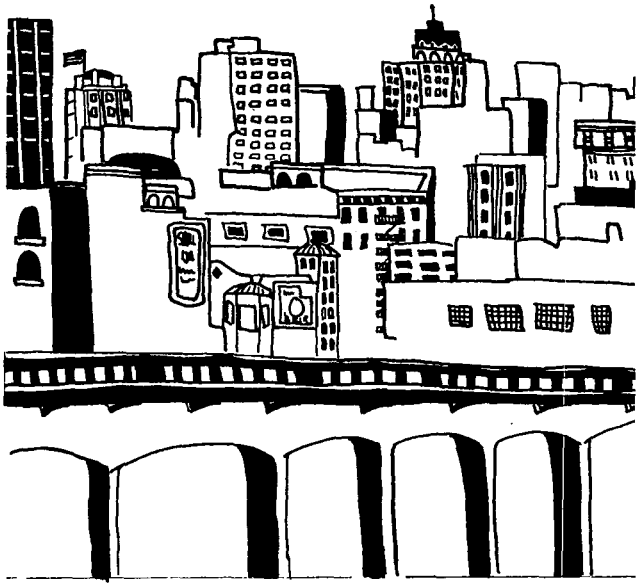
As the number of reporters assigned to the capitol increased over the years, the need to establish uniform and standardized procedures for accrediting correspondents became more critical. Eventually, in 1943, the Capitol Correspondents Association was founded to provide rules for the accreditation and housing of journalists covering the capitol. Membership in the association is limited to correspondents "who represent daily newspapers that require a daily file of legislative news, or who represent news associations that require daily telegraphic, radio, or television service on legislative news." The primary functions of the association are the accreditation of newsmen, the assignment of press seats in the Assembly and Senate chambers, and enforcing the joint legislative press rules.

The Capitol Correspondents Association normally meets only once a year. At this annual meeting the members elect by majority vote three officers and a standing committee of four. The standing committee is required to include one representative each from the wire services, the daily press, and television and radio. Since the association's inception, *San Francisco Chronicle* political editor Earl "Squire" Behrens, who has covered the capitol for 51 years, has served as its president.

Applications for accreditation are reviewed and investigated by members of the standing committee to determine whether the applicant meets the criteria for membership. A unanimous vote of the standing committee or, failing that, a two-thirds vote of the association members, is necessary for full accreditation. Accredited correspondents receive press cards at the beginning of each legislative session. Although correspondents accredited by the association are automatically approved by a voice vote of both houses at the beginning of each session, the standing rules of the Assembly include a provision permitting the members of that house to revoke any press card by majority vote.

### Enforcing Press Rules

It is the correspondents association, however, which has chief responsibility for policing the conduct of its



members and enforcing the joint legislative press rules. Joint Rule 32 prohibits the accreditation of any individual "whose chief attention" or primary occupation is not the reporting of legislative proceedings. The rule also forbids accredited members of the Capitol Correspondents Association to perform for compensation any service for state constitutional officers or members of their staffs. This rule also prohibits correspondents from working for state agencies, the Legislature, candidates for state office, state office holders, and any person registered or performing as a legislative advocate. Members who violate these rules may be suspended by



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unanimous vote of the standing committee or by two-thirds vote of the membership.

### Code of Conduct

In 1964 the members of the Association adopted a Code of Conduct which continues to serve as a guide for acceptable conduct for all journalists engaged in news coverage of the California Legislature. Among the more significant provisions of the code are these:

- "Do not, under any circumstances, manipulate voting switches in the Assembly — even if requested to do so by an Assemblyman.
- "No correspondent, accredited or temporary, shall attempt to influence any legislator on pending legislation.
- "Cameras and recording devices are prohibited in the chambers of both houses except when permission is granted by a vote of the membership of the house in question."

The code also contains sections prescribing the attire for accredited correspondents while attending legislative sessions and outlines the protocol for dealings with legislators.

Although this code of conduct has been in existence since 1964, it has not kept disputes between the press corps and the Legislature from arising from time to time. Throughout the 1966 session, for example, legislators complained about reporters distracting them on the floor of the Senate and the Assembly. It had long been the practice of the capitol press to interview legislators on the floor of both houses while they were debating issues and voting on bills and resolutions, but as the number of correspondents covering the Legislature grew, the members of both houses found it increasingly difficult to conduct their business without distraction from reporters. In response to a large number of complaints from their members, both houses acted to deny the press access to the floor, requiring them to stay in their seats and desks located in front and along the sides of the chambers of both houses. The Capitol Correspondents Association submitted a letter of protest in response to this action, but the legislative leaders refused to reconsider their decision.

**Officers of Capitol Correspondents Association Accredited Press Representatives**

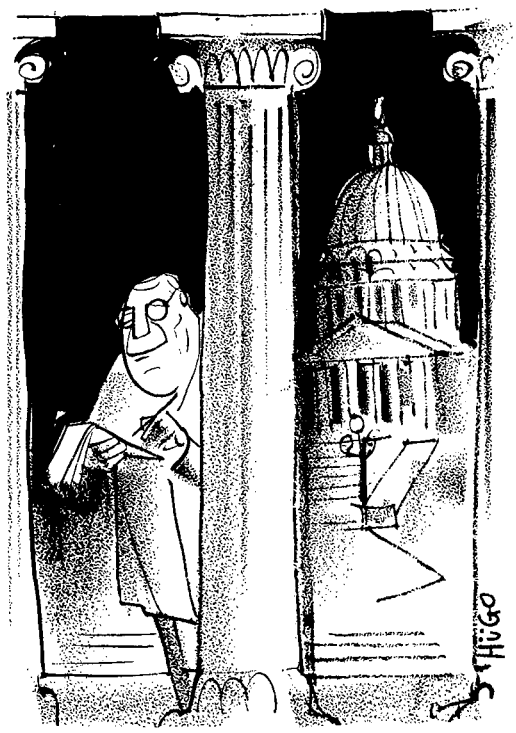
PRESIDENT: Earl C. Behrens, *San Francisco Chronicle*
VICE-PRESIDENT: Jerry Gillam, *Los Angeles Times*
SECRETARY: Richard Rodda, *Sacramento Bee*
TREASURER: Vacancy
STANDING COMMITTEE:*
Robert S. Fairbanks, *Los Angeles Times*
William R. Stall, *Associated Press*
Tom H. Woods, *Group W*
*President, Vice-President, Secretary and Treasurer are also members of the Standing Committee.

### Rent-Free Offices

Perhaps one of the least known aspects of the relationship between the capitol press corps and the Legislature is the fact that the newsmen pay no rent for the offices provided them in the capitol. This free rent policy was established long ago when there was need for only one "press room" to be set aside during legislative sessions for capitol correspondents. It has somehow survived up through the present, however, despite the fact that the press corps now occupies offices which total approximately 8,000 square feet. According to the Department of General Services, if the press were required to pay rent for this space at current rates, the state would collect $1,824 per month. When the rental rate for state office buildings is raised to a uniform 40 cents per square foot on July 1st of this year, the rent subsidy will amount to $3,040 per month.

This subsidy has been challenged from time to time by legislators and others who have questioned whether the taxpayers should aid newspaper publishers and owners of television stations in this manner and whether it does not in some way compromise those members of the press who benefit from the legislative subsidy. Nevertheless, there has been no move on the part of the Legislature in recent years either to begin charging rent or to evict the newsmen from their offices. The majority of the members of the Legislature apparently support the argument that press coverage of state government in general, and legislative action specifically, should be encouraged in this manner. If it ever comes to the point that the press corps is seriously threatened with eviction, it will probably result not from a clash of views over the subsidy question but simply from the Legislature's own insatiable demand for more office space.

For their part, some members of the press corps say they would prefer to have their offices elsewhere in the interest of preserving their capacity to report on the Legislature in an honest and objective manner. Others argue, however, that their proximity to daily legislative proceedings assures them of the opportunity to do a better job of reporting capitol news to their readers and viewers. And some reporters say that their publishers, if required to rent office space at higher rates from private realtors elsewhere in Sacramento, might simply discontinue the practice of assigning a permanent correspondent to cover the capitol.



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# Interview: Ed Gray Talks About His New Job As Governor's Press Secretary

*Governor Reagan's Press Secretary Edwin J. Gray, 36, is a journalist by training and experience, having worked for two California radio stations and for United Press International in Spain. He first worked for Ronald Reagan between the November 1966 election and the inauguration in January, 1967, while on leave from Pacific Telephone. Gray returned to the Governor's Office as assistant press secretary in November 1967. He was promoted to associate press secretary in September 1968, and became press secretary in March of this year. The* California Journal *conducted this interview in the capitol April 25th.*

**California Journal:** What is your role as the Governor's press secretary?

**Edwin J. Gray:** We are the link between the Governor and the press, radio, television, and newspapers, and, as such, we advise the Governor with respect to the press. We, of course, answer a great many calls not only from the capitol press corps but from all around the country. We write press releases and statements for the Governor. We handle a small part of the correspondence for him. My responsibility is to work with any element of the press and my responsibility as the head of the section is for our relationships with publishers, editors, radio and television station managers, and California Broadcasters Association, and California Newspapers Publishers Association, Radio and Television News Directors Association.

We, of course, conduct the Governor's press briefings before his press conferences. I attend all the cabinet meetings and have the opportunity to provide input to the Governor and the cabinet. While policy is primarily a cabinet function, we can participate in the formulation of that policy.

**Journal:** Isn't your role also to protect the Governor to some extent, from misstatement, from premature disclosure of certain kinds of information, and things of that sort?

**Gray:** Certainly we can advise the Governor as to whatever position he might take on any particular issue and explain to him some of the things that are happening which would bear directly on that issue, but this particular Governor, probably more than others, has a great sixth sense for knowing what to say. He doesn't need a great deal of advice or counsel. He's an avid reader of newspaper stories, a television watcher. He stays up to date through a little system that we have of constantly providing information to him. Although there are times, of course, when we do have to bring him up to date on a crisis situation that's developing quickly.

**Journal:** How is the Governor's press office organized?

**Gray:** Jim Jenkins, as the director of public affairs, has overall responsibility in the administration for public affairs. That would include the role of the press section under Bob Keyes for community relations. So, I suppose that you could say that we report to Jim in the overall scheme of things.

Within the press section itself, we have associate press secretary Clyde Walthall, who just joined us about a month ago from the Human Relations Agency. He's the former press secretary to Bob Monagan. Bill Strobel, who is the assistant press secretary, is also a former newspaperman. I think both of them are from the *Oakland Tribune*.

**Journal:** What is Paul Beck's new position, and what is the significance of his leaving the job of press secretary?

**Gray:** Well, up until Paul became special assistant to the Governor, this office had a great deal of responsibility for coordinating public appearances and speeches. We did not do the actual scheduling, but we were very much involved in that. So the thinking was that this would free us to do some of the things that we wanted to do for a long time, such as providing information on the programs of the administration, and not be bogged down quite so much in the nitty gritty of arrangements for appearances and speeches.

Also Paul had been here almost five years, and after a certain period of time you get tired. This is a very tough job; it demands a great deal of your time, time that you automatically lose from your family. So there comes a time that maybe you feel like a rest is in order. And so I think this was the time that was chosen for this.

**Journal:** Does this change the duties of the press secretary?

**Gray:** I'm going to be traveling a lot less with the Governor, because, basically, the action takes place here, in this office. The calls all come in here. This is the central focus. If we need to get hold of the Governor while he's traveling, we can, very easily. He's always in touch. And this is where the programs are developed and articulated, back here in Sacramento. So there's really no great need for press secretaries to accompany the Governor. He can get all of his information from the office here.



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However, we are sending a person from this office in advance to look after the needs of the press. He's going ahead of the Governor, so when the Governor arrives he will have been able to set up the impromptu press conference inside, rather than having all the reporters clammering at curbside to get to him, where no one can write and the television cameras are jostled, and so forth. If all of this is taken care of in advance, working with the security people, the Governor will come in and the press will interview him under reasonable circumstances.

**Journal:** In what ways other than the press conferences does the press have regular access to the Governor?

**Gray:** We put out a memo to the press every Friday with his schedule and on it we include those events during the coming week which we think will be newsworthy and of interest to the press people here. To a degree, the Governor's movements are implicit in that schedule. At airports on his arrival, at speeches and departure from them he's generally always available, at least briefly, for a few impromptu questions. And because he has generally a pretty diversified schedule, if there's something fast-breaking and they want to get the Governor's own position on it, and have him say it, they can generally catch him. Sometimes this involves some enterprise on the part of the press, but we do try to help them.

There's really not enough time in his day, however, for him to do private interviews which are requested the same day; it just doesn't work out that way. His schedule is blocked out literally weeks in advance. We take requests for interviews with the Governor that come in, as they come, and each person gets a half-hour interview with the boss. But sometimes it takes a few weeks to get to that.

**Journal:** What is the administration's policy regarding off-the-record background briefings?

**Gray:** We really don't do that here. We don't do off-the-record backgrounders. I can't remember any. You know there are some times, however, when the press wants to hear from the Governor off-the-record because that way they feel they can really get to know what he's thinking. It's generally at the request of the press. I'm talking about relatively formal briefings now. But, insofar as I'm concerned here or other members of the staff, we just simply don't have off-the-record background briefing sessions. We may impose particular guidelines. For example: before the Governor's report to the people on catastrophic illness, we called the press down and Dr. Brian gave a background briefing on the Governor's program. That was on the record; all of it. The only thing we did was to say that because of the nature of the briefing we didn't want any sound on film cameras. But anything that Earl Brian said was on-the-record, and that's generally the way we operate here.

The Governor had a few members of the press out to his house a year or two ago, over a period of weeks. Things that were said there were off-the-record but it was generally felt by both the press and us that it would be more appropriate if it was that way. It wasn't intended really as a press conference or interview situation. They just wanted to get to know the Governor a little bit better, to find out what was on his mind. We also had some lunches with members of the press a few years ago, about eight or so per lunch, and that was off-the-record. I think it was generally felt by everybody that this was an easier way to get to talk with the Governor. I think so far as this administration is concerned, we'd like to see anything of an information nature be on the record.

**Journal:** What rules or guidelines do you have with regard to press access to the cabinet and the top department heads?

**Gray:** We try our best to make sure that if a member of the press want to talk to a cabinet member, he can get to him, and there've been many times when I have gotten a call from a certain member of the press, and suggested he talk to the cabinet member because the cabinet member was the best expert on it, the obvious spokesman on the matter. Then I've called the cabinet member and set up the interview. We try to do everything we can, and I think, generally, the members of the Governor's cabinet, including the Director of Finance and the Governor's Executive Secretary, are very much accessable.

**Journal:** How is the Governor briefed before he goes into a press conference?

**Gray:** The briefing generally takes an hour and a half. Members of the cabinet, the immediate staff, and I do the briefing. The day before the press conference, the three of us in the press office list the items that we think will come up. The list is then sent to the cabinet secretaries, and to the immediate members of the staff, and they, in turn, try to brief themselves as completely as possible on those areas which affect their areas of responsibility so that when we get to them they can brief the Governor. And then they will sometimes suggest a position that the Governor can take.

We watch the wire services closely, and we watch the newspapers closely, and, of course, we know what's on the minds of the press through the telephone calls that come in. So we have a pretty good idea, and most of the time we're pretty much on the money. We generally cover 95 percent of the areas that actually come up in the press conference.

**Journal:** Do you, or does the Governor feel that the press coverage in California is generally accurate and comprehensive enough? Is he getting across to the people?

**Gray:** Well, I suppose you can never be happy, totally happy, either as Governor or a press secretary. You'd like to see a lot more of what he says get across. I think that many reporters here are trying to do a good job. And in the minds of many of them, they think that they are writing objective stories. Some I have questions about sometimes. I think that there's a definite bias that shows forth from time to time, with some more frequently than others.

You know the competitive nature of news makes it

*(Continued on page 129)*



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# Contending Democratic Factions Look To California As Key State in Presidential Primary Battle

If the councilman you've been trying for weeks to get to come to your discussion group isn't available this month, try a U.S. presidential candidate. They're going to be more available than Tupperware salesmen between now and June 6th as the battle for the nation's largest single block of convention delegates goes down to the wire. Democratic candidates, that is.

### The Republicans

The frontrunner for the Republican presidential nomination comes out here from his base in Washington D.C. only to rest and relax. He says he won't be in California for political reasons until after the convention. And given the fact that his only opponent, Representative John M. Ashbrook, is mostly mistaken for a member of a San Diego political family named Ashcraft, the Republican primary will be more soporific than spellbinding.

For the record, the 96-member delegation to the Republican convention pledged to Richard M. Nixon is headed by Governor Ronald Reagan and comprises a who's who of the state's leading Republicans. Gordon Luce, the party's vice chairman, is also vice chairman of the campaign. Leonard Firestone is the state finance chairman. Lyn Nofziger is the former aide to Governor Reagan who has left the Republican National Committee to run the California campaign. There are four regional chairmen: Dr. William Bannowski, President of Pepperdine College representing Los Angeles; David Packard, former Deputy Secretary of Defense for the Bay Area; Al McCandless, Riverside County Supervisor for Southern California; and Assemblyman Bob Monagan for the 42 northern and central California counties.

### The Democrats

In contrast to the Republican presidential primary, the Democratic primary is about as humdrum as a match in a gas tank. Eight candidates are on the ballot, and until some new post-Wisconsin, Massachusetts and Pennsylvania polls are conducted, only the general shape of the primary is discernable. The candidates, in case you've misplaced your California scorecard are (in order of ballot position):

- George S. McGovern, U.S. Senator from South Dakota and frontrunner at the moment, according to the media;
- Edmund S. Muskie, U.S. Senator from Maine, who has announced that he will not campaign in any more primaries after defeats in Pennsylvania and Massachusetts;
- Shirley Chisholm, U.S. Representative from New York, running more for some issues than for the Presidency;
- John V. Lindsay, Mayor of New York City, whose name will appear on the ballot although he has withdrawn from the race;
- Hubert H. Humphrey, U.S. Senator from Minnesota, durable beyond belief, rapidly advancing from the middle of the pack;
- Eugene J. McCarthy, former U.S. Senator from Minnesota, way, way back with a few supporters who remember early 1968;
- Samuel William Yorty, Mayor of Los Angeles, inactive since New Hampshire, who could attract substantial conservative Democratic votes in Southern California;
- Henry M. Jackson, U.S. Senator from Washington, who could capture some conservative Democratic strength if Yorty doesn't.

The winner picks up 271 delegates in one fell swoop, the largest delegation to the Democratic convention. (Just 238 names are on the ballot for each delegation; the additional 33 names will be added after the primary, presumably mostly from losing delegations.)

### Campaign Organizations

The two frontrunners in California now seem to be McGovern and Humphrey. The ageless campaigner from Minnesota has a strong base of support that goes all the way back to his pre-Johnson years as the liberal star of the party. Labor, blacks and Chicanos are said to be solidly in his camp so far. He has a strong, professional California campaign operation led by Congressman Chet Holifield and former Deputy Attorney General Charles O'Brien, state co-chairmen, Assemblyman Walter Karabian, southern California chairman, and Mayor Joseph Alioto, northern California chairman. Joe Cerrell is the professional campaign manager. The campaign is said to be relatively well financed with "old" Democratic money, raised principally by Eugene L. Wyman, former Democratic national committeeman.

McGovern is building from the ground up, and rapidly, as he gathers momentum from his recent victories. Even though Mayor John Lindsay withdrew from the race too late for his name to be removed from the ballot, McGovern is expected to pick up most of the not insignificant Lindsay support in this state. The McGovern state campaign organization, co-chaired by the nine Assemblymen who have endorsed him, was substantially restructured as recently as early April. Eli Segal was brought in from back East to coordinate the statewide effort from Los Angeles. Bill Lockyer, Ala-



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## THE ENDORSEMENT RACE

Following is a list of endorsements of presidential candidates by California's Democratic state legislators. The list is based on an office-by-office survey conducted prior to the Massachusetts and Pennsylvania primaries.

**MUSKIE**

**Senate**

Beilenson* Song
Mills Zenovich

**Assembly**

Chacon Knox
Cullen** MacDonald
Deddeh McCarthy
Fenton Moretti
Fong Pierson*
Foran Porter
Garcia Sieroty*
Gonsalves Warren
Greene, L. Waxman*
Johnson, H. Z'berg
Keysor

**McGOVERN**

**Senate**

None

**Assembly**

Brown Meade
Burton Miller
Cory Ralph
Crown Vasconcellos
Dunlap

**JACKSON**

**Senate**

None

**Assembly**

McAlister
Powers
Townsend

**HUMPHREY**

**Senate**

Carrell
Dills
Dymally
Holmdahl
Kennick
Stiern
Walsh

**Assembly**

Greene, B.
Karabian
Quimby

**LINDSAY**

**Senate**

Roberti

**Assembly**

None

**Unaligned or No Response**

**Senate**

Alquist Rodda
Collier Short
Gregorio Teale
Moscone Wedworth
Petris

**Assembly**

Bee Ryan
Brathwaite Thomas
Davis Wilson
LaCoste

*Announced switch to McGovern after Muskie's withdrawal.
**Announced switch to Humphrey after Muskie's withdrawal.

meda County Democratic Chairman, has responsibility for northern California. Miles Rubin is in charge of southern California. Dorman L. Commons heads up fundraising statewide. The all-woman advertising agency of Hall and Levine in Los Angeles is responsible for the media campaign.

The chief imponderable in the race between Humphrey and McGovern is Muskie. Still on the ballot and still in the race for the nomination, Muskie has ruled out active campaigning in primary elections. What this does to his California prospects and to the prospects of his opponents is uncertain, however. The Muskie campaign in California is in disarray, uncertain as to its direction at this writing. Some Muskie supporters are looking for a new champion while others wait for the convention, remembering that Hubert Humphrey won the nomination in 1968 without having won a single primary election.

Presidential Delegation Composition
(in percent)

| | Women | Blacks | Chicanos | Other Minority | Under 30 |
|---|---|---|---|---|---|
| McGovern | 51% | 19% | 19% | 5% | 40% |
| Humphrey | 48 | 17 | 16 | 2 | 20 |
| Jackson | 43 | 10 | 12 | N/A | 20 |
| Chisholm | 55 | 35 | 10 | N/A | 30 |
| McCarthy | 47 | 7 | 11 | 2 | 48 |
| Muskie | 49 | 17 | 15 | N/A | 20* |
| Nixon | 30 | 4 | 4 | 1 | 14 |
| Ashbrook | N/A | N/A | N/A | N/A | N/A |

*25 and Under

Paul Ziffren, former Democratic national committeeman, is statewide chairman for Muskie. The campaign manager is Joe Freitas, who stepped down as west coast representative for Common Cause to take the position. U.S. Senator John V. Tunney is one of Muskie's chief spokesmen (senior Senator Alan Cranston has thus far remained neutral). Charles Winner and Jack Tomlinson are the southern and northern California campaign directors.

### Delegation Composition

Reforms of the rules regarding delegation composition have dramatically changed the makeup of the slates on the June ballot. The Democratic Party reforms were worked out by the McGovern Commission in an attempt to forestall a repetition of their Chicago debacle. The new rules, which were made a part of California law regarding the Democratic presidential primary, require the delegation from each state to reflect the population of the state as a whole. Exactly what that means is not specified. Presumably the credentials of a delegation which is not "representative" could be challenged at the convention. To head off such a challenge, the delegations are seeking representation especially from women, minorities and youth.

Even the Republicans got on the composition bandwagon, although their rules do not require it. Reagan announced the percentages of various groups when he announced the slate, and it is clear that the delegation leaders went to some effort to strengthen the representation of the traditionally underrepresented.

What will happen in the Democratic primary is anyone's guess at this point. Muskie represented a middleground for many Democrats who believe McGovern is unable to win a national election because he is too liberal and Humphrey can't win because he represents the "old politics". Where these voters will go now is the big question. On the one hand McGovern's momentum will invest him with some of the charisma he is said to lack, and he may attract the Muskieites. On the other hand, Muskie's supporters were mostly "establishment" Democrats who may feel more at home with Humphrey. And whether either Humphrey or McGovern can unify the Democratic party sufficiently to win in November is the question which California's Democratic voters will have to consider on June 6th.

In the meantime there will be a geat many would-be Presidents willing to come to your kaffe klatch.



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# The California Arts Commission is Alive and Well in Hollister, Eureka, McKinleyville, Monte Corona, Sacramento, and Fresno

You may never have heard of the California Arts Commission. In fact, it is very probable that you haven't unless you live in a small town in Del Norte County, or are blind, or are a very talented high school musician, or simply have a special interest in the arts. After nearly eight years, the Commission remains one of the least known of the many boards and commissions which have accumulated over the years to oversee various state programs. Yet in its quiet way it is an interesting example of how such a body, with limited objectives and (for the moment, at least) limited ambitions, can achieve a modest degree of success.

The California Arts Commission was established in 1963 in legislation carried by Assembly Speaker Jess Unruh at the request of a number of southern Californians concerned about the financial problems plaguing the art community. In setting up the commission, its supporters hoped to create a state body which would stimulate financial support for the arts in California, not only from business and other private sources but from the state as well. There was considerable interest at that time in doing something to rescue the arts from what appeared to be an impending financial crisis, an interest stimulated by a number of national studies such as the Rockefeller Panel report, "The Performing Arts — Problems and Prospects". New York State had already taken the lead in 1960 by setting up a Council on the Arts with an initial budget of nearly half a million dollars to begin supporting touring performances and exhibits, provide special grants to selected artists, develop new educational programs, and aid local communities programs. The New York council was expected to be the prototype for arts councils in other states and for the National Council for the Arts and the National Arts Foundation, which when finally established in 1964 and 1965, were expected to bring new prosperity to the performing and fine arts on the national scene.

Under the terms of the Unruh bill, the function of the California Arts Commission was to ". . . join with private patrons and with institutions and professional organizations concerned with the arts, to insure that the role of the arts in the life of our community will continue to grow and play an ever more significant part in the welfare and educational experience of our citizens, and establish the paramount position of this state in the nation and the world as a cultural center." As might be expected, however, the first commission members found it to be no simple task to translate this broad mandate and an initial $50,000 annual budget into a specific program. Their first major action, therefore, was to circulate a questionnaire among the officers and representatives of a variety of organizations and institutions throughout the state asking for their views as to the "artistic and cultural needs and aspirations of our citizens" and suggestions as to how private and public resources might best be used to serve those needs. In addition, Martin Dibner, the commission's first executive secretary, traveled around the state interviewing many local leaders and acquiring a first-hand impression of the quantity and quality of art facilities and activity.

### Survey Results

It was not until January of 1966 that the commission's small staff had completed the survey, and by that time a majority of commission members, who had been chosen to represent the various segments of the art community, had decided that the commission's two principal functions should be to develop a program of touring professional performances and exhibitions and to provide financial and technical support for community organizations — symphonies, museums, art councils, etc. When the commission's survey report was finally published in 1966, it generally supported this policy, concluding that although the growth in interest and activity in the arts in California had been "impressive," it had also been very uneven both in quality and distribution, leaving many communities with little or nothing in the way of either performing or visual arts. Moreover, according to the survey, residents of those communities who wanted to do something about their situation had little idea as to how to go about it.

In the next several years the commission sponsored a number of touring art exhibitions and performances, in some cases putting a small show together from scratch, in others simply providing the necessary guarantee to cover any operating deficit up to a certain level. Among the touring exhibitions which the commission sponsored were an exhibition of 22 pieces of sculpture by Robert Cremean, a display of French paintings borrowed from several French museums, an exhibition of the work of 35 California craftsmen, and a show entitled Seven Decades of Design which focused on the development of contemporary furniture design. In the field of performing arts the commission sponsored tours by the San Diego Symphony and the San Diego Ballet and contributed $22,500 to the Western Opera Theater to hire two singers and assist with the production costs for 70 scheduled performances throughout the state.

### Art for the Blind

More recently the commission has received some acclaim for its sponsorship of a touring exhibition of



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sculpture designed especially for the blind, an exhibition of California landscapes and seascapes entitled "Horizons", and a music education program called "Music for Youth". The first of these, described as a "touring art gallery for the sighted and the blind" (titled "Dimension" for its 1970 tour and "Perception" for its 1971 tour) is a display of 30 pieces of sculpture, covering some 3500 years of art, which both sighted and blind visitors are encouraged to feel with their hands. A special modular display system was designed for this exhibition to encourage blind children and adults to enjoy the sculpture and to fit the exhibition to a variety of museum spaces. The cost of the exhibition was covered in greater part by a grant of federal aid through the Department of Health, Education and Welfare.

The commission's 1970 touring exhibition of California landscapes and seascapes, while not an unusual show in itself, was interesting in that it was financed entirely from private sources and, like the art gallery for the blind, required the design of a special modular "museum-like" display system which was easily transportable and could be set up within any space of sufficient size. In seeking private sponsors for the tour, the commission presented its proposal to a number of large business firms, but the first to express interest were three major savings and loan banks which have branches throughout the state that were offered for use as temporary galleries. The commission accepted this offer and established an itinerary which included 30 stops in small communities, downtown areas and suburban neighborhoods up and down the state. The entire display of 22 paintings was transported in a special van and designed so that it could be removed, transported to a new location and installed over a weekend.

### Music for Youth

Possibly the most successful of the commission's current programs is "Music for Youth", which is intended to increase community interest in providing music education in the public schools. Working with the California Music Educators Association, the commission has developed a basic plan of taking a small group of outstanding professional and student musicians into elementary and high schools which have little or nothing in the way of music instruction of their own.

The first such program was an eleven-day tour of elementary and high schools in Del Norte and Humboldt Counties, with special demonstration programs for school children in the day and community concerts by the same professional and student musicians at night. A second similar tour was begun in April in Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties. In both cases many of the arrangements for the tour were made by local educators and interested persons in the communities, with assistance and coordination provided by the commission's staff consultant for this project, Leslie Olmstead. Both tours have been very well received in the schools and communities, and the Music for Youth program itself has recently been selected by a national business association for its annual award.

Another current program is the California Dance Project. The principal purpose of this project is to gather information on all of the 200 professional and college dance companies and sponsors throughout the state. This information is to be organized and published in a directory of dance companies available for performances and touring, as well as organizations interested in sponsoring dance programs.

### Avoids Controversy

The commission's one brush with controversy occurred several years ago when some public objection arose over the inclusion of a piece of sculpture by Edward Keinholtz in a show at the Los Angeles County Museum of Art. As pressure grew for the museum to remove the piece from the show, the commission publicly joined those who opposed what they considered to be an attempt at censorship of the arts. In general, however, the commission has avoided controversy. The commissioners recently decided, for example, to take no part in the dispute as to what should be done with the collection of California art which Cal-Expo has accumulated over the years. After listening carefully to arguments as to whether the collection should be returned to the artists, sold, or put on permanent display, the commissioners decided that the problem was after all one which only the Cal-Expo directors could decide.

### Board Members

The commission is made up of 15 members appointed by the Governor for five year terms, plus two Assemblymen and two Senators. When the commission was first formed, the majority of the membership represented the various factions of the art community, e.g., the major art museums, the movie industry, the symphony orchestras, and other interested organizations and institutions. More recently, under Governor Reagan, the majority of appointees have a broader interest in the arts, as community art patrons, for example. Nevertheless, the commissioners appear to take an active interest in their responsibilities and do, in fact, set the commission's basic policy and suggest many of its projects. This is not true, however, of the legislative members, who seldom if ever attend commmission meetings. The principal exception was former Assemblyman Pearce Young, who had a strong personal interest in the visual arts and served for a time as vice chairman of the commission.

members, who seldom if ever attend commission meetwhat from its first appropriation of $50,000, but not a great deal by comparison with the budgets of other state agencies. State support rose to $170,000 per year by 1968 but remained at about that level for the next three years. The commission's budget for 1972-73, which includes $200,000 in state funds, provides the



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first real increase in four years. In the meantime, however, the commission has developed other sources of funding to enable it to carry out what it considers to be its essential activities. Total expenditures for 1972-73 are expected to reach $705,000 with the addition of $380,000 from private donations of money and services and at least $125,000 in federal funds.

The commission continues to operate with a relatively small staff headed by Executive Secretary Albert Gallo. Gallo, who came to his job from a position as a personnel officer in the Department of General Services, has a varied background which extends back to theatrical experience in New York. He is assisted by four staff "consultants", each of whom has been hired to coordinate one or more specific projects. In addition, Gallo has three full-time employees to provide secretarial and administrative services. The twelve other positions which the commission has been alloted are filled by persons hired to help with the development and operation of individual programs, including the touring exhibitions which the commission sponsors.

**Active Commissioners**

The commission maintains close contact with each major project it sponsors. As soon as it has been decided to undertake a project, and the necessary funding has been secured, a two to four member subcommittee of commissioners is appointed to supervise all phases of the project, from finding additional co-sponsors, through selection of advisors, production, and final evaluation. These subcommittees are responsible as well for keeping the full commission informed on their projects through progress reports at the commission's regular monthly meetings.

At its April meeting in Monterey the Commission was given a list of some 22 current "projects" and five "anticipated projects" by its executive secretary, Albert Gallo. Among the current projects, are plans for continuation of the Music for Youth program, sponsorship of a writers' conference at Squaw Valley this summer, preparation of brochures on how to conduct touring art exhibitions and how to organize a community arts council, completion of the directory of professional and amateur dance companies in California, sponsorship of conferences of local arts councils, and the annual conference of the Association of California Symphony Orchestras. Taken all together, the list of current and anticipated projects indicates that the commission intends to continue on its present course with no significant change in program or policy except, perhaps, for an increasing emphasis upon art for school children.

**A Catalyst**

The commission likes to see itself as a catalyst, acting to bring together participants in each of the various arts so that they may solve their common problems regarding fund raising, management, publicity, and the like, and encouraging private business organizations to increase their sponsorship of artistic activity throughout the state. As a matter of policy, it undertakes and supports only projects which are statewide in character rather than of direct benefit to but a single community. In choosing these projects, the commission, according to its own testimony, "seeks to find those areas of service where there is a need not being met by other organizations." How well it does these things can only be judged by the projects it has undertaken or is presently carrying on.

The commission seems to be generally content with the present scope and character of its programs and has little or no ambition to expand its role. Thus it gave a cool reception at its April meeting to a proposal that it ask the Governor and Legislature for a substantial increase in state funding which it could use to subsidize a broad array of artistic activity. The proposal was brought to the commission by Keith R. Williams, president of Musicians Union Local 47 of Los Angeles, who argued that "art is the business of all the people, a valid function of society, and should therefore be, in part, funded by the people collectively." The commission, said Williams, should ask the Legislature for the equivalent of one dollar per California citizen which it would then allocate among a priority list of art projects that it would develop for this purpose.

The commissioners listened politely to Williams' proposal but showed little real interest in considering such a plan. Mrs. Louis C. Olker, the current chairman of the commission, and several other members questioned the legality and propriety of the commission's making such a request on its own behalf and indicated very clearly that they had no intention of making any request for funds which might embarrass Governor Reagan. Executive secretary Gallo also argued against the proposal saying that the disbursement of a large amount of grants would inevitably require an expansion of the staff and draw the commission into politics after the pattern of the New York state arts commission. If the commission is to seek additional funding, he said, it should put together specific projects to be considered on their own merits.

This is the first time in recent years that the commission has been challenged with such a proposal, so that it was rather easily dismissed with promises that it would be looked into. Should the commission receive other similar proposals in the near future, it may indeed be forced to reexamine its position. In the meantime, however, it is evident that the present commission members are pleased with what they have accomplished and have no intentions, for the moment, of changing or greatly expanding their activities.

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"With respect to the general public, higher education has suffered a series of mishaps, creating a confidence crisis that must be corrected. This requires far more than a popular "public relations" approach. First, it requires a faculty and administration commitment to expend whatever energy is required to bring about a broadly based understanding of what higher education contributes to the well-being of those it serves, those to whom it is responsible, and those to whom it looks for support. Above all we must succeed in restoring public perspective with respect to what happens on campuses today and what will be happening tomorrow. The inward-looking strategy of the past is not acceptable in the decade ahead."

C. O. McCorkle Jr.
Vice-President of the
University of California

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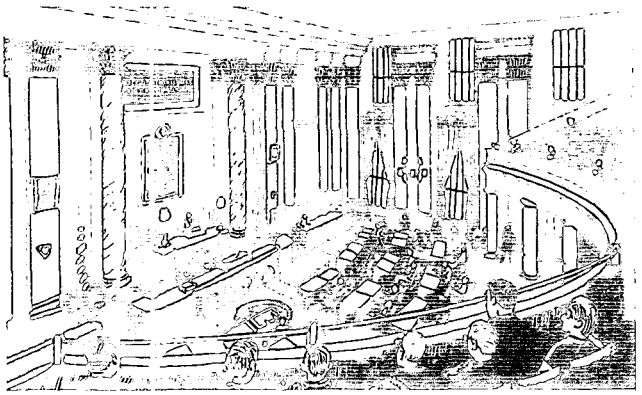


### Most Legislators are Out-of-Staters

Twenty-two of the state's 40 Senators and 48 of the state's 80 Assemblymen were not born in California, according to columnist Earl G. Waters. Twelve of the Senators and 14 of the Assemblymen represent the districts in which they were born.

### Three Foreign-born Legislators

Three members of the state Legislature were not born in the United States. They are Senator Mervyn M. Dymally born in the British West Indies; Assemblymen Leo T. McCarthy, born in Aukland, New Zealand; and Waddie P. Deddeh, born in Bagdad, Iraq.

### 2 of 7 Constitutional Officers Born Here

Of the state's seven constitutional officers, only two, Edmund G. Brown Jr. and Wilson Riles, were born in California, according to columnist Earl G. Waters. Governor Reagan was born in Illinois, Lieutenant Governor Reinecke is from Oregon, Attorney General Evelle J. Younger is from Nebraska, Controller Houston Flournoy was born in New York, and Treasurer Ivy Baker Priest comes from Utah.

### Two More Committee Changes

Senator John Nejedly has been appointed to fill the vacancy on the Senate Agriculture and Water Resources Committee.

Assemblyman Kent Stacey has been appointed to fill the vacancy on the Assembly Constitutional Amendments Committee.

### Georgia Gives Legal Aid to Poor

The nation's first statewide legal aid program for poor people, the Georgia Indigents Legal Services (GILS), celebrated its first anniversary in December 1971, according to *State Government News*.

A state welfare department grant of $54,000 for calendar year 1971 was matched by $162,000 in HEW funds. For 1972, state funds were increased to $60,000 and federal to $180,000. Supplemental funds came from OEO and the United Appeal. GILS operates out of seven branch offices around the State and plans up to three more, but does not serve Atlanta, where older legal aid services exist.

GILS' 16 circuit-riding attorneys cover all counties in the State; they were aided by law school interns last summer.

## INTERVIEW *(Continued from page 121)*

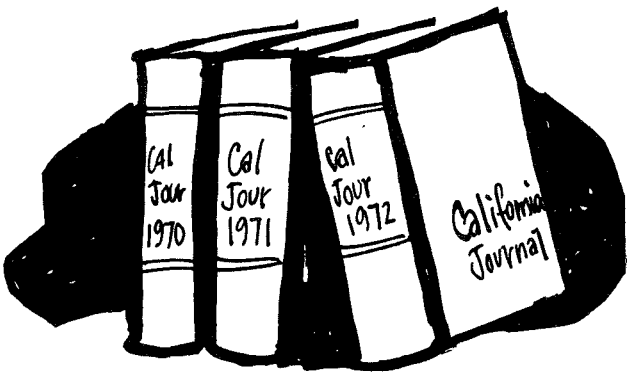
very difficult on reporters. One wire service competes with another; one newspaper competes with another; one television station in the same market competes with another; and so there's a tendency to pick out only those things that are quite controversial at the expense of some other things that might be more substantive in fact. And so that's something that, I assume, concerns every press secretary, every political figure. You know, we wish the press would concentrate more on some of the less controversial but very meaningful things that are happening in state government. But, it's difficult for me. I work closely with all the members of the press. And I try to be understanding of their problems. I think most of them think that they are trying to do a good job; many are.

The other thing I think is that the interpretive nature of the news business today — that you see more and more in the papers — makes it more difficult for readers to make up their own minds. You get the interpretation of the writer. And that's also a concern. I would rather see, I suppose, less interpretation and more a presenting of both sides of an issue.

**Journal:** It is said that good news doesn't sell newspapers.

**Gray:** That's right, and that's what I mean. The competitive nature of the news business makes it difficult for reporters who have their orders from their city desks and from their assignment editors to get the story that would be most controversial as soon as possible. They're not able to cover some of the stories that we think really deserve coverage, which I think the people would like to know about, and which, to some extent, they're not learning about because of this. I think they're losers but, on balance, I don't want to complain. Let me just put it this way: With the difficulties of a reporter in Sacramento, I think most of them here are trying to do a good job.

## Back Copies and Indexes Available

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# Schools Prepare for Painful Task of Evaluating Teachers and Administrators

By DENIS P. DOYLE

Every school child's dream of testing his teacher and principal on their achievement will take a long step toward reality beginning in September of this year when California's 1200 school districts will be required to begin implementation of what has become known as the "Stull bill" — AB 293 (1971) by Assemblyman John Stull. Although originally described as a significant reform of teacher tenure laws, the greatest importance of the measure is to be found in those provisions which require that public school officials throughout California to systematically examine the educational goals and standards of their schools and to develop objective measures of competence for school personnel in relation to those goals.

The bill itself was signed in July of 1971, nearly nine months ago, but its operative date has been postponed by subsequent amendment until this fall. This will give the schools more than a year to prepare for implementation, but even with this lead time it may be difficult for most districts to comply fully in the first year, for the Stull bill mandates a major change in the way public school employees are to view themselves and their functions. Traditionally, the schools have been measured in terms of their resources: the amount of money spent per student, the faculty-student ratio, the number of books in the library, etc. The Stull bill requires, instead, that the schools develop measurements of their productivity and their ability to meet the goals set out for them: what and how much students learn, how well teachers teach, and the effectiveness of administrators.

### Tenure Problem

Originally the bill grew out of a general legislative concern over the question of tenure for public school teachers, and the common belief that tenure is often an indiscriminate umbrella which protects the deserving and undeserving alike. Thus, the first draft of the Stull bill was seen by educators as a reaction to increasing teacher militance, a stern reminder that he who pays the piper calls the tune. But upon closer examination they found the bill to be a serious attempt to deal with what they acknowledge to be a perplexing problem.

Supporters of the measure argue that tenure itself is not really the issue, that no one has ever seriously proposed that tenure be used to shield incompetent school employees. Rather, they say, the problem has been to develop a set of working criteria to define and identify competence and to establish reference points which may be used to fairly and objectively judge a school employee's performance. To the layman, the clearest index of teacher performance is student performance, and student performance is most effectively identified by scores on academic tests. By and large, however, professional educators have resisted this notion with unflagging determination. Their view has been that academic attainment is only one of many indices of student progress, and that lack of student progress is often simply a sign of inadequate support for the schools, financial and otherwise. Moreover, they oppose statewide performance standards which, they believe, may not make sufficient allowance for local factors affecting student abilities and school programs.

### Middle Ground

The Stull bill, as it was amended, attempted to find a middle ground. It requires the development of standards of school personnel competence, but leaves the development of those standards in the hands of the local school officials. It requires that competence be measured but leaves the choice of the measurement tools and techniques to the local school districts. As a consequence, the responsibility at the local level for the success or failure of this plan is substantial. Each school board must adopt written guidelines for use in evaluating professional competence, covering at least four distinct elements: 1) establishment of standards of expected student progress in each area of study and techniques to assess that progress, 2) assessment of the competence of certified employees as it relates to the established standards, 3) assessment of other duties of certified employees which are adjunct to their regular assignments, and 4) establishments of procedures for determining that certified employees maintain proper control of their classrooms and preserve a suitable learning environment.

In turn, employees are to be fully informed as to their district's evaluation program and are to have access to copies of the written guidelines. Every employee evaluation must be made in writing and given to the employee at least 60 days prior to the end of the school year, and the person who prepares the evaluation must discuss it with the employee. Teachers and administrators whose competence is judged deficient must be provided with follow-up counseling, and the district governing board must provide assistance to such employees in upgrading their performance. In the event that follow-up counseling is unsuccessful, the board may then charge the employee with incompetence.

To expedite the processing of charges of incompetence, the Stull bill creates a new dismissal procedure. At present, school district actions to fire certified employees go directly to the superior courts. Under the new procedure, dismissal actions are to be heard by three-member administrative panels chaired by a hear-



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ing officer, or by a hearing officer alone. The panels are to be composed of one representative chosen by the accused, one by the employing school board and a hearing officer from the State Office of Administrative Procedure. The accused may be represented by counsel. The panel rulings are to be final, and the role of the superior court is restricted to a review of evidence on appeal. A new trial is not permitted. The objective of the new procedure is to provide speedier and less costly legal proceedings by removing incompetence cases from the courts.

### Oppose Panel

The California Federation of Teachers and the American Civil Liberties Union, however, are on record as opposing the creation of competence panels and the consequent reduction of the courts' role. They believe that administrative law provides insufficient safeguards for accused persons and may seriously diminish the rights of the accused. Stull and others who defend the competence panel idea argue that the issue is simply one of hiring and firing, since the competence panel has no power to apply other sanctions, and that the accused, even in the event of an adverse finding, will still retain his or her teaching credential.

Whatever the merits of these arguments, it is highly unlikely that charges of incompetence will be leveled with any great frequency in the near future. Like other professionals, educators shy away from charging their colleagues with incompetence. The nation's largest school system, in New York City, employs more than 50,000 teachers, yet fewer than 10 are dismissed each year for incompetence. Such action is equally rare in California. Indeed, the education profession's historic failure to address the issue of incompetence was at once the chief stimulus for and is the chief obstacle to implementation of the Stull bill. Ironically, one short-term result of the new evaluation requirements may be to temporarily increase the difficulty of proving incompetence. Until practical evaluation techniques are developed, the lack of detailed evaluation standards and procedures is likely to make it impossible for competence panels to act on dismissal cases.

### What Is Expected

But in any case the principle of employee evaluation does not hinge on specific procedures or the prospect of the "easy" dismissal of teachers. Stull maintains, in fact, that the required evaluation is not, primarily, a dismissal tool. The more important objective, he says, is to give school employees a clearer idea of what is expected of them and to give the public a clearer idea of what it can expect from its schools. Failure on the part of school employees to meet established standards leads first to counseling and only as a last resort to dismissal proceedings. Thus, Stull reasons, even those of moderate ability and diligence will find the bill easy to live with.

Although many professional educators do not share Assemblyman Stull's sanguine assessment of the new law's impact, their natural anxiety is tempered by the fact that standards will be developed at the local level. It also seems clear that the weight of the new law will not fall so much on teachers — the majority of whom must, of necessity, meet whatever standards are developed — as on the school administrators who must enforce it. If one teacher in 50 deserves the label incompetent, 49 should be able to adjust smoothly to the new requirements; but every administrator with an "incompetent" teacher under him will eventually find himself with responsibility for taking action. Similarly, district superintendents will be responsible for assessing the competence of the administrative personnel below them.

This presents one of the most intriguing problems created by the Stull bill. How will local districts respond to the requirement that they develop measures of competence? As noted earlier, educators have traditionally opposed rating teachers and administrators on the basis of student performance as measured by standardized achievement tests, and the Stull bill deliberately does not require the use of such tests. And while it is interesting to speculate about the measurement of noncognitive learning, social development and other nonacademic aspects of school, it is not easy to imagine meaningful indices of accomplishment in these areas.

**Summary of AB 293 (1971)**
**Evaluation Requirements**

"The governing board of each school district shall develop and adopt specific evaluation and assessment guidelines which shall include the following elements:

"(a) The establishment of standards of expected student progress in each area of study and of techniques for the assessment of that progress;

"(b) Assessment of certificated personnel competence as it relates to the established standards;

"(c) Assessment of other duties normally required to be performed by certificated employees as an adjunct to their regular assignments;

"(d) The establishment of procedures and techniques for ascertaining that the certificated employee is maintaining proper control and is preserving a suitable learning environment.

"Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis . . . at least every other year for personnel with permanent status."

Nevertheless, school personnel will be compelled to make judgments about the relative importance of student achievement as evidence of teacher effectiveness, and it will not be surprising if they turn increasingly to some form of achievement examination as a primary measuring stick. Indeed, there will be some pressure to do so if for no other reason than the fact that the use of such alternative devices as the Albuquerque Brain Breathing Social Interaction Battery is not likely to inspire public confidence in teacher evaluation.

### District Costs

There have been some questions as to the cost of implementing the Stull bill, but there are simply no reliable estimates at this time. The State Board of Ed-

*(Continued on page 136)*



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# California Journal/*NEWSBRIEFS*

**Proposition 9 Fight Grows Hotter**

As the June primary draws closer it becomes increasingly evident that Proposition 9 will be the object of a major struggle for votes. Supporters of the measure, which would write into law a long list of provisions intended to protect the environment (see *California Journal*, March 1972, p. 80), won an initial battle when a superior court judge ordered Attorney General Evelle J. Younger to change the ballot title from "Pollution Initiative" to something more properly descriptive. The new title, which will appear on the June ballot, is "Environment Initiative". The same court refused, however, to order that the Legislative Analyst's cost estimate of $770 million be deleted from the ballot and from the ballot pamphlet sent to voters. Roger Jon Diamond, attorney for backers of the amendment and a candidate in the 60th Assembly District Democratic primary, immediately asked the state Supreme Court to rule on the cost figure.

The first report of spending for the campaign has revealed that the major firms within several of California's largest industries are contributing heavily to defeat the measure. Initial contributions to the opposition campaign, which is being managed by the firm of Whitaker and Baxter, totaled $842,000, of which oil and chemical companies each provided more than $100,000, public and private utilities $120,000, and financial institutions $50,000. Among the other opponents of Proposition 9 to date are the California Federation of Labor, the California Wildlife Federation and the state Chamber of Commerce. Organizations supporting the measure, which have so far raised $165,000, include the California Federation of Teachers, the Coastal Coalition, Americans for Democratic Action, Stamp Out Smog, Get Oil Out (Santa Barbara), and the Peace and Freedom Party. The major conservation organizations have not yet announced their positions.

**Roll Call Votes in Senate Committees**

On April 5th the state Senate voted 30-4 to initiate recorded roll call votes in Senate committees. Senate Resolution 9 (Behr) requires committee members to answer "aye" or "no" when their names are called for voting. SR 9 also requires that committee members be present in order to vote, and it does not permit holding the roll open until absent members return.

Rules for committee roll call votes in the Assembly, adopted by the lower house in March (see *California Journal*, February 1972, page 40 and March 1972, page 81), differ somewhat from the new Senate rules. Assembly committee members who are temporarily absent from a committee session may return to vote, or they may vote by proxy. The Assembly rules also require recorded roll call votes on amendments, whereas the Senate rules do not.

**May 9th Special Elections**

Two special elections for state legislative seats will be held in Southern California on May 9th. Two Republicans and three Democrats are campaigning to fill the 36th Senate district seat vacated by Republican Gordon Cologne, who was recently appointed to the Court of Appeals by Governor Reagan. The district, which includes Riverside and San Bernardino Counties, has a Republican registration of nearly 47%. Among the candidates, Republican Assemblyman W. Craig Biddle now seems almost certain to be elected. The only question is whether he can do so in May or whether he will be forced into a runoff which would be held concurrently with the June 6th primary.

The other special election will be in the Assembly 49th district of East Los Angeles County. In that race there are eight contenders for Peter F. Schabarum's recently vacated seat. Schabarum, a Republican, was appointed to the Los Angeles County Board of Supervisors. It now appears unlikely that any one of the candidates for the seat, which is believed to be safely Republican, will be able to win a majority of total votes on May 9th. Thus, a runoff on June 6th is expected.

**State Water Project Workers Vote to Strike**

On April 26th state water and power workers voted to strike against the State Water Project unless their pay demands are met. According to the California State Employees Association, which conducted the vote, 87 percent of the 525 workers who voted favored a strike action.

The workers are asking for pay raises of from 21 to 26 percent, as well as a collective bargaining contract. "Official State Personnel Board salary surveys show the average water project worker receives about $200 a month less than other employees doing the same kind of work," said Walter W. Taylor, general manager of CSEA. Because workers are paid out of special funds derived from sales of water and power to industry and agriculture, any pay increases will not require an appropriation from tax revenues.

The workers operate and maintain the storage facilities, pumps and canals which channel water from Oroville Dam to farmers in the Delta and San Joaquin Valley, and to Los Angeles County. "Unless management can replace the men who walk off the job, water and power deliveries will be interrupted," Taylor says. He estimates that the strike could cost the state more than $1 million a day in lost power sales or in costs of purchasing power.

If the state workers actually do go out on strike, Taylor said, "it will only be after we are convinced the governor has turned his back on the problem and refused to negotiate." Because public strikes are illegal, there is a possibility that striking employees will be fired or arrested. CSEA is prepared, however, with 14 attorneys and a $200,000 fund to defend workers if they are jailed. A subsistence fund has also been established, which, according to CSEA, will provide $100 a week in benefits to strikers.

**Investigators Confirm Atascadero Charges**

The courts have played a larger role in determining patient treatment at Atascadero State Hospital than medical standards, according to a special investigating panel of psychiatrists. The panel was ordered by Dr. J. M. Stubblebine, Director of the Department of Mental Hygiene, to investigate charges that Atascadero, the state's facility for mentally ill criminal offenders, has altered the records of some of its mental patients. Dr. Michael Serber, who made the charges after resigning from his post



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as the hospital's research director, said that "in truth, the hospital, instead of just rendering psychiatric opinion, frequently acts as the judge and jury." The investigating team further disclosed that in many cases a patient's treatment program is determined by the probable sentence he would have received if he had been convicted and sent directly to state prison. Incidents where records were altered at the request of district attorneys had the effect of either prolonging a patient's confinement or of forcing him into the state prison system, the team reported. Estimates are that some 5,000 patients have been affected.

Responding to the panel's report, Dr. Stubblebine called the hospital's practice "tragic" and said, "the degree and consistency of the activity . . . is abhorrent." He added, "We have no way of knowing how long this practice has been going on."

Dr. Stubblebine immediately put into effect one of the team's recommendations, which was that the hospital's medical director, Dr. William M. O'Brien, be transferred. The panel's other recommendations for "needed organizational changes" have not been disclosed, but Dr. Stubblebine said they would be in effect by May 1st.

**Governor Reagan Offers Environmental Program**

"We can do what has to be done, but we need not resort to the political pollution born of hysterical pollution which will appear as Proposition 9 on the June ballot." So saying, Governor Reagan came out against the controversial environment initiative and outlined a 10-point enviromnental policy program of his own. Reagan said his "balanced, common sense" program will "control pollution and preserve the best of our environment in a way that is compatible with the goals and philosophy of a free society." As part of his program, the Governor announced that the State Office of Planning and Research will soon release a comprehensive Environmental Goals and Policy Report, the basic principle of which is that local government should have the major responsibility for making and carrying out environmental decisions. One of the major goals of the forthcoming report is the protection of coastal resources, the Governor said.

The specific elements of Reagan's policy program include: the creation of a Department of Environmental Protection to administer all forms of pollution control; legislation to create a Power Plant Siting Council which will evaluate the environmental impact of power plant sites and approve locations; a 1974 "major bond issue" for long-range park and beach development; tax incentives to industry to encourage pollution control facilities; legislation to require local air quality programs in counties where minimum standards are not met; the development of a solid waste program; and legislation which will provide coastal protection "without unduly infringing on its economic development."

**State Board Approves Early Childhood Education Plan**

On April 14th state Superintendent Wilson C. Riles won approval from the State Board of Education for his early childhood education plan. The principal objectives of the plan are voluntary enrollment of four-year-olds in the public schools, a reshaping of the elementary curriculum to emphasize the teaching of basic skills to children four through eight, and conversion of the elementary schools into community education centers (see *California Journal*, December 1971, p. 342). Riles has described his plan as the first step in a long-range effort to make the public schools both more effective and more enjoyable for the children.

The new plan is to be phased in gradually over a five-year period, but is estimated to cost an additional $350 million per year at the outset. Assemblyman Kenneth Cory is expected to introduce legislation sometime in May to authorize the new program and to provide the necessary appropriation. Thus far Governor Reagan has not indicated whether he supports or opposes the plan.

**A.G. Leads Drive to Reinstate Death Penalty**

Calling the California Supreme Court's decision which abolished the death penalty (*California Journal*, February 1972, page 51) the most "outrageous opinion ever handed down" by a state supreme court, Attorney General Evelle J. Younger announced late in March that he will lead a drive to the put the issue to the voters on the November ballot. Almost immediately he was joined by the California Correctional Officers Association, the California Peace Officers, and the District Attorneys Association in launching a statewide effort to collect the 520,000 signatures which will be necessary to place a death penalty initiative on the ballot in November. Younger has predicted that the necessary signatures will be obtained by the June 9th deadline and that the people will vote to restore the death penalty by a wide margin.

Taking a somewhat different route, Senator George Deukmejian has introduced Senate Constitutional Amendment 13, which, if approved by two-thirds of the members of the Senate and Assembly, will also put the issue to the voters in the general election. SCA 13 was approved 8-3 by the Senate Judiciary Committee on April 12th and sent to the Senate floor. In the meantime, many legislators and other state officials, including Chief Justice Donald Wright, report that they have received a substantial amount of mail opposing the court's decision, and most say they favor a popular vote on the issue regardless of their personal views.

**State Unemployment Figures Challenged**

According to the most recent estimates of the State Department of Human Resources Development, the unemployment rate (seasonally adjusted) in California has declined from a high of 7.4 percent in mid-1971 to 6.2 percent in March. The total number of persons reported as unemployed in March was 519,000.

The accuracy of these figures has recently been challenged, however, by experts in the U.S. Department of Labor. According to federal surveys, as reported in the *Los Angeles Times*, California's unemployment rate averaged 8.8 percent in 1971, well above the 7.0 percent average reported by the state. Moreover, federal experts believe that unemployment in California has come down from the 1971 high by only about half the amount reported by the state. According to both state and federal officials, the difference does not result from a deliberate understatement of the problem by the state but is probably due to the state's method of estimating unemployment, which differs significantly from the federal method, and may fail to count a substantial number of unemployed persons.



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# Selected State Government Reports

## EDUCATION

**Public Education in California in 1971,** The Annual Report of the California State Department of Education, 721 Capitol Mall, Sacramento 95814. March, 1972. 33 p. Summary of state education statistics and policies.

**Summer Vocational Educational Programs,** Dept. of Education, 721 Capitol Mall, Sacramento 95814. March, 1972. 6 p. Reviews statistics on the impact of work experience programs.

**Fine Arts Instruction in California Educational Institutions,** Dept. of Education, 721 Capitol Mall, Sacramento 95814. March, 1972. 6 p. Indicates that fine arts education in California public schools (K-8) is decreasing in quantity and quality.

**A Study of State School Fund Transportation Allowances to School Districts,** Dept. of Education, 721 Capitol Mall, Sacramento 95814. March, 1972. 8 p. Analysis of experimental forms used to determine pupil transportation costs, including a comment on the implications of the *Serrano* decision in this area.

**Teacher Preparation in the History, Culture and Current Problems of Ethnic Minorities,** Dept. of Education, 721 Capitol Mall, Sacramento 95814. March, 1972. 5 p. Summarizes progress of inservice programs for teachers in schools with large numbers of minority students.

**Priorities and Program Review at the University of California,** Report to California Legislature in response to ACR 132, University Relations Office, 101 University Hall, 2200 University Ave., Berkeley 94720. April 1, 1972. 28 p. Reviews priorities in allocation of faculty effort, academic programs, nature and uses of research, and data analysis and reporting.

**Demonstration Programs in Intensive Instruction in Reading and Mathematics for Low-achieving Students, 1970-71,** Dept. of Education, 721 Capitol Mall, Sacramento 95814. March, 1972. 21 p. Concludes that student achievement is more closely related to individualized instruction and use of teacher aides than to plant remodeling and new equipment.

***The Management and Operations of the University of California, Vol. III: Accounting and Finance.*** Dept. of Finance, Audits Division, 1025 P Street, Sacramento 95814. ($2.50) Feb., 1972. 62 p. Discusses the need for a program cost accounting system, problems with organized research projects financed by gifts and grants, and the role of the University's internal audit unit.

## ENVIRONMENT

**Summary of the Ralph Nader Task Force Report on Land Use in the State of California,** prepared by Polly Roberts, California Action Inc., 228 McAllister Street, San Francisco 94102. 1972. 52 p. $1.00 plus tax.

**Lower American River Water Rights Decision,** State Water Resources Control Board, 1416 Ninth St., Sacramento 95814. April, 1972. 25 p. Covers decision on the flows to be maintained downstream of the Auburn Dam.

## LAW AND THE COURTS

**1972 Judicial Council Report to the Governor and the Legislature** and the **Annual Report of the Administrative Office of the California Courts,** Judicial Council of California, 455 Golden Gate Ave., San Francisco 94102. Jan., 1972. 164 p. plus appendices. Contains recommendations on the reorganization of trial courts, a report of AOC activities and a statistical summary of the work of the California courts during the year.

**The Prison and The Prisoner,** Public Policy Bibliographies: 1, compiled by Dorothy Campbell Tompkins, Institute of Governmental Studies, 109 Moses Hall, University of California, Berkeley 94720. Jan., 1972. 156 p. ($4)

## SOCIAL WELFARE

**Social and Economic Characteristics of Recipients of Old Age Security,** David N. Webber, Dept. of Social Welfare, 744 P Street, Sacramento 95814. February 1972. 49 p. Describes characteristics of OAS recipients during the month of September, 1970.

**Implementation of the Intergovernmental Welfare Management Information System,** Jan. 1971 to Feb. 1972. Dept. of Social Welfare, 744 P Street, Sacramento 95814. March 1, 1972. 11 p. plus nine attachments. Progress report on Expanded Data Reporting System embarked on to improve efficiency of welfare administration.

**Beyond Shelter . . . The Broader Needs of Lower-Income Families,** Dept. of Housing & Community Development, 1121 O Street, Sacramento 95814. March, 1972. 29 p. Report on the Low-Income Home Management Training Program which includes training in family budgeting, property maintenance, responsibilties of tenants and homeowners, and landscaping.

**Nonsupport of Legitimate Children by Affluent Fathers as a Cause of Poverty and Welfare Dependance,** by Marion P. Winston, The Rand Corporation, Santa Monica. 21 p. Dec., 1971. Examines the lack of adequate child support law enforcement for nonwelfare mothers.

## TRANSPORTATION

**Los Angeles Area Freeway Surveillance & Control Project** (Second Annual Report), Dept. of Public Works, Business & Transportation Agency, 1120 N Street, Sacramento 95814. Jan., 1972. 22 p. Summary of a major traffic management project.

## MISCELLANEOUS

**Political Participation of Mexican Americans in California,** California State Advisory Committee to the U.S. Commission on Civil Rights, 312 N. Spring St., Los Angeles 90012. August, 1971. 90 p. Examination of Mexican American participation particularly with respect to reapportionment, voting rights, government appointments, and political parties.

**Interim Study of Department of Consumer Affairs,** Staff Report of Assembly Ways and Means Committee, Room 319, State Capitol, Sacramento 95814. March, 1972. 53 p. Argues that the Dept. of Consumer Affairs has not yet become an effective consumer protection agency.

***Summary of Major Changes in Programs of the Dept. of Human Resources Development,*** 1935-1971, Dept. of Human Resources, 800 Capitol Mall, Sacramento 95814. Feb. 11, 1972. 23 p. (Report 580). Abbreviated summary of major changes in state-federal employment programs since 1935.



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# LETTER FROM WASHINGTON

## By Lou Cannon

April 18, 1972

The campaign came to the candidate in Wisconsin, and much of it came from Californians whose horizon is larger than their home state. The candidate was Hubert Humphrey ("Hubert" or "The Humph," said reporters, shaking their heads), an ebullient, 18-hour-a-day Humphrey who resembled the optimistic pre-primary liberal of 1960 more than the battered survivor of the 1968 Democratic convention.

The politicians who came from California to campaign for him included San Francisco Mayor Joseph Alioto, speaking Italian to the Italian-Americans of Kenosha and bubbling about his victory in the Washington state lawsuit that had clouded his political career, and premier Beverly Hills fundraiser Eugene Wyman, who has raised millions for Humphrey and hopes to raise at least a million more. There was also state Senator Mervyn Dymally of Los Angeles, who worked with quiet effectiveness in the Milwaukee black community; Assemblyman Walter Karabian of Monterey Park, and Lloyd Hand, the onetime U.S. protocal chief turned unsuccessful candidate for Lieutenant Governor of California. Also on the scene was Joe Cerrell, the bright-eyed former Wyman aide who directed an efficient Wisconsin press operation with an eye to future primaries.

All of these Californians, except for Hand, are part of what Wyman calls the "traveling road show" that Humphrey has moved from state to state throughout the early months of his campaign. This road-show strategy, a marriage of perception and convenience, was devised when Humphrey entered the presidential chase in mid-January at a time when Senator Edmund Muskie seemed far ahead. Muskie had campaign operations in all of the 23 primary states and most of the non-primary states, and he had tied up some of the traditional Democratic fund sources that Humphrey needed. The former Vice President was a long way from being stone cold dead in the political market place, however. He cashed in on his long time support among organized labor and the Jewish community and, particularly, upon the fundraising talent of Wyman to mount a well-heeled Florida campaign, which outpolled Muskie 2-1 while George Wallace was sweeping the state and the headlines. Wyman and Humphrey campaign manager Jack Chestnut knew from the start that the real competition was Muskie, both for the center ground of the Democratic electorate and for the pocketbooks of the major party contributors. Alioto put it best in a Milwaukee interview. "They say that the candidate with the money wins," said Alioto. "Actually, it's just the opposite. The man who looks like he's going to win gets the money. Contributors are bettors, and they bet on the man they think will win."

The man "they think will win," after Wisconsin, clearly was Hubert Humphrey, despite the interesting but largely irrelevant statistic that he has never won a presidential primary anywhere. It all seems terribly unfair to Senator George McGovern, who, after all, did win the Wisconsin primary and earned his victory with a tough, well-organized campaign that belies the misleading blandness of the candidate. But the victory was shrouded by a Republican crossover vote without which, according to the analysis of Louis Bean, McGovern would have finished a shade behind Humphrey. Wallace, who actually edged Humphrey for second, would have finished far back in a fourth place tie with Muskie if only Democrats had voted, according to the Bean analysis. The one percent showing of conservative GOP Representative John Ashbrook, who took 10 percent against President Nixon in New Hampshire and 9 percent in Florida, dramatically suggests the source of many Wallace votes. This analysis was practical comfort to Wayman and to Chestnut, the efficient Minneapolis attorney who has brought order to the Humphrey campaign, but it failed in the days immediately after the primary to restore the confidence which Humphrey had radiated throughout the Wisconsin campaign. "It was kind of a psychological blow to Hubert to finish behind Wallace," Wyman said the day after the vote-counting. But Humphrey has recovered from more severe wounds in the past. This time he could take solace from the disastrous showing of Muskie, who finished with 10 percent of the vote, less than half of Humphrey's total, and failed even to carry predominantly Polish-American wards on the Milwaukee south side.

These words are written a week before the Pennsylvania primary in which Humphrey must beat Muskie to continue in the race, and they are written in the expectation that he will do just that. If Humphrey does, the traveling road show will move on to Ohio and to Indiana and from there to the California showdown with McGovern that both camps have been anticipating ever since Florida. Should Humphrey survive it all and somehow again become the Democratic nominee, he may well mark his third-place finish in Wisconsin as the moment he won the Democratic center ground and regained the help of the party money men who, in their hearts, have always thought him right.


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# CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month; if one of these boards is not listed, it can be assumed that it is not scheduled to meet this month. Boards and commissions to be included are: Board of Corrections; Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Commission of Housing and Community Development; Park and Recreation Commission; University of California Board of Regents; and Social Welfare Board.

May 9 **Special Primary Election.** 36th Senate district and 49th Assembly district.

May 11-12 **State Board of Education.** Resources Building, 1416 Ninth Street, Sacramento. 9 a.m.

May 12 **Board of Corrections.** (time and place undecided)

May 12-13 **Republican State Central Committee.** Goldwater, Dole, Rockefeller, and Reagan speaking. St. Francis Hotel, San Francisco.

May 18-19 **University of California Board of Regents.** 55 Laguna Street, San Francisco. 9 a.m. **Highway Commission.** Redding (location undetermined). 5/18 — 10 a.m.; 5/19 — 9 a.m.

May 23-24 **Board of Trustees of the California State University and Colleges.** 5670 Wilshire Blvd., Los Angeles. 10 a.m.

May 24 **Little Hoover Commission.** Sacramento. (date and location tentative)

May 25 **California Council on Criminal Justice.** Host of Sacramento Airport Hotel. 9 a.m.

May 25-26 **Social Welfare Board.** Stanislaus County (location undetermined. 5/25 — 7:30 p.m.; 5/26 — 9 a.m.

May 31 **Coordinating Council for Higher Education.** Woodlake Inn, Sacramento. 9 a.m.

**Consumer Advisory Council.** Public discussion of consumer problems. Consumer Affairs Building, 1020 N Street, Sacramento. 10:15 a.m.

June 6 **Primary Election.** Polls open 7 a.m., close 8 p.m.

June 9 **Park & Recreation Commission.** Newport Beach (location undetermined). 9 a.m.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; State Lands Commission, last Thursday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

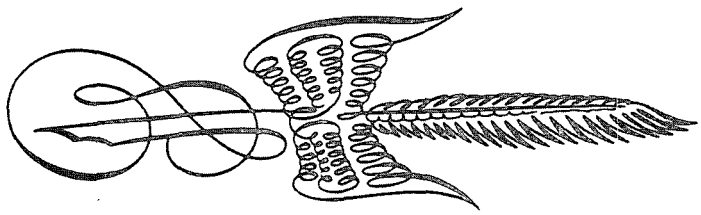
## TEACHER *(Continued from page 131)*

ucation has suggested that local districts keep cost records, but until there is some concrete experience under the new legislation, cost projections cannot be made with any confidence. Associate Superintendent Walter Coultas recently told the State Board of Education that the total cost of implementation might reach $45 million, but that claim, it is argued, is more fiction than science. Much of what is required of the school districts by the Stull bill is consistent with modern standards of sound management: teachers, administrators, and board members should have a clear sense of what their mission is, and the cost of identifying measurable goals and objectives will be absorbed in ongoing activities. Of greater importance to the cost-conscious, however, is the fact that the requirements for implementation are generally the same for most of the state's school districts. Although each district is permitted to undertake the development of criteria independently, it would be most remarkable if 1200 different standards emerged. It is likely, instead, that a small number of ambitious districts will develop standards which will be adopted by the other districts.

**Alameda Plan**

The Alameda County School Department has already produced an 88-page book, titled "Implementation of the Stull Bill", and the State Board of Education has released a set of suggested guidelines. Although both documents are loaded with educational jargon (several of the definitions included in the board guidelines made *Time* magazine, which quoted these two remarkable flights of educational fancy from a list of definitions: "an evaluator is one who evaluates", and "an evaluatee is one who is evaluated"), they are required reading for anyone interested in implementation of the new law. In addition, the State Department of Education has established a small coordinating unit to aid the individual districts, and several of the professional associations have already begun to invest substantial time and energy in communicating with their members about the requirements of the Stull bill.

With the end of school enrollment growth and continuing financial pressure on the public schools, the job market for school teachers and administrators has reached the saturation point, and supply now far exceeds demand. The pool of surplus school personnel means that school districts can now be more selective in hiring, and the decline in enrollments means that they will have to do some firing. Combined with the Stull bill evaluation requirements, this could provide a powerful incentive to develop high standards of performance. Thus, there is reason to believe that the Stull bill may become one of the most significant pieces of education legislation of this decade and that all those who have a stake in the manner in which it is implemented — parents, educators, professional associations, and state officials — will certainly watch closely to see how the local school districts go about the job of carrying out the intent of the law.

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# PEOPLE IN THE NEWS

## APPOINTMENTS

On April 28th Governor Reagan announced the appointment of **C. Brunel Christensen,** 49, as Director of the Department of Agriculture. A Modoc County cattle rancher and a member of the State Board of Agriculture, Christensen succeeds Jerry W. Fielder, who was killed in a plane crash March 22nd. The appointment is subject to Senate confirmation.

San Diego State College's new president will be **Dr. Brage Golding,** currently president of Wright State University in Dayton, Ohio. Dr. Golding, whose academic background is in chemical engineering, built Wright State from a small branch campus of Ohio State and Miami Universities in 1967 to a 12,000-student, three-campus university with 400 full-time faculty members five years later. He will assume his new duties at San Diego State College on July 1st.

Governor Reagan has named seven appointees to the now permanent Commission on the Status of Women. New members are **Anita Miller,** a graduate nurse and president of the California division of the American Association of University Women; **Deborah Fontana,** Headstart program volunteer and North Hollywood insurance company employee; **Rowena Taylor,** partner in a Santa Barbara travel agency; and **Marilyn L. DeRose,** president of a Fullerton business services firm. Members of the former commission who were reappointed are **Geraldine V. Rickman,** chief consultant of the Rockefeller Counseling Institute in San Diego; **Betty Wing Concannon,** Woodside realtor; and **Dorothy M. Ford,** Los Angeles County educational consultant. All of these women are Republicans. Earlier in the year another member of the former commission, **Beatrice D. Dolan,** and a new appointee, **Betty Stevens,** were named to the commission by the Legislature.

Other gubernatorial appointments in April included **John K. Geoghegan,** as executive secretary of the newly created Commission for Economic Development, and criminal justice specialist **Robert C. Alexander,** as chief of the new Bureau of Automotive Repair in the Department of Consumer Affairs.

State Superintendent of Public Instruction Wilson Riles has named **Donald K. White,** former executive vice president of the National Audio-Visual Association, to head up the new Washington, D.C., office of the California State Department of Education. White will work to improve the Department's congressional relations so as to assure California its fair share of the $6 billion available in federal aid to education.

Assembly Speaker Bob Moretti announced the appointment of **Dr. Miguel Montes,** former member of the National Advisory Commission on Mexican-American Education and of the State Board of Education, to the new Educational Innovation and Planning Commission. The commission is one of five new groups set up by the Legislature in cooperation with Superintendent Riles to replace the large number of educational advisory bodies which had accumulated over the years. The old boards were disbanded March 4th.

**Dr. Wheeler J. North** has been named to the Navigation and Ocean Development Advisory Commission. North, an authority on kelp harvesting and regeneration and a professor of environmental sciences at the California Institute of Technology, succeeds Theodore Gillenwaters who has resigned.

Governor Reagan has reappointed **Dr. John H. Lawrence** to a sixteen-year term on the Board of Regents of the University of California. Dr. Lawrence was a pioneer in the development of radiation protection and the use of isotopes in medicine.

## ELECTIONS

**Lowell Berry** has been elected chairman of the California State Park and Recreation Commission. Berry, who has long been active in Oakland and Lake Tahoe community affairs, was originally named to the Commission by Governor Reagan in 1969. He was the founder of the Best Fertilizer Company of Oakland, which he headed until 1963, but is now semi-retired and continues to head the Lowell Berry Foundation.

The Commission on California State Government Organization and Economy ("Little Hoover Commission") has elected **Manning J. Post,** Beverly Hills business executive and a leading Democratic fund-raiser, as its chairman. Post, a charter member of the commission, has directed many of the commission's past studies, including those having to do with state fiscal management, the state automobile fleet, and narcotics enforcement programs. He initiated the commission's current investigation of the state's highway land management practices.

## RESIGNATIONS

One of the major architects of Governor Reagan's welfare reform program, **James M. Hall,** has resigned as secretary of the Human Relations Agency to accept a senior executive position with the Music Corporation of America, Inc. Hall joined the Reagan administration in 1967 as state superintendent of banks. From January to December, 1970, he served as secretary of the Business and Transportation Agency before being named to his present post. In addition to his work on welfare problems, Hall participated in the reduction of Medi-Cal program costs.

**Cruz Reynoso,** who has been executive director of the California Rural Legal Assistance for almost three years, has resigned from that post to teach law at the University of New Mexico. CRLA was involved in a major controversy last year when Governor Reagan vetoed its $2.6 million federal grant, claiming CRLA had violated certain statutory and administrative regulations. Frank Carlucci, then Director of the federal Office Economic Opportunity, later approved the grant after a special investigation which supported CRLA. On announcing his resignation, Reynoso commented that "after all our political problems with the Governor, the CRLA is now beginning to stabilize again. I felt we were in a position to change leadership without a crisis."

**Col. Theodore R. Gillenwaters** has resigned as a member of the state Navigation and Ocean Development Commission. A commissioner since 1969, Gillenwaters has figured in two recent conflict of interest cases. At the time of his retirement he was up for reappointment to a four-year term on the commission.


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# VOTING RECORDS

*Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.*

Y—Yes *—Absent or Not
N—No Voting

⅔ vote required for urgency measures, constitutional amendments, appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote. ⅔ = 54 votes.

Senate: 21 votes required for passage of bills requiring majority vote. ⅔ = 27 votes.

| SENATE<br>Republicans<br>18 | SB 19 | SR 9 (A) | SR 9 (B) | SCA 10 | SB 84 | SB 183 | SCR 14 | SB 259 |
|---|---|---|---|---|---|---|---|---|
| Behr | Y | Y | N | N | Y | N | Y | * |
| Bradley | Y | Y | N | Y | N | Y | N | N |
| Burgener | N | Y | N | Y | N | Y | N | N |
| Carpenter | Y | Y | N | * | N | Y | N | N |
| Coombs | * | * | * | Y | Y | Y | N | N |
| Cusanovich | * | Y | N | N | N | Y | N | * |
| Deukmejian | Y | Y | N | Y | N | Y | N | N |
| Grunsky | Y | Y | N | Y | Y | * | * | N |
| Harmer | Y | Y | N | Y | N | Y | N | N |
| Lagomarsino | Y | Y | N | Y | N | Y | N | N |
| Marks | N | Y | Y | Y | Y | * | Y | N |
| Marler | Y | Y | N | * | Y | Y | N | N |
| Nejedly | N | Y | N | N | Y | Y | Y | * |
| Richardson | * | Y | N | Y | N | Y | N | N |
| Schrade | Y | Y | N | N | N | Y | N | N |
| Stevens | Y | Y | Y | Y | N | Y | N | N |
| Way | N | Y | N | * | Y | Y | N | N |
| Whetmore | Y | Y | N | Y | N | Y | N | N |

| Democrats<br>21 | SB 19 | SR 9 (A) | SR 9 (B) | SCA 10 | SB 84 | SB 183 | SCR 14 | SB 259 |
|---|---|---|---|---|---|---|---|---|
| Alquist | N | N | Y | Y | Y | N | Y | Y |
| Beilenson | N | Y | Y | N | * | N | Y | Y |
| Carrell | N | Y | Y | Y | Y | Y | Y | Y |
| Collier | N | N | Y | Y | Y | Y | Y | N |
| Dills | * | * | * | Y | * | * | * | N |
| Dymally | N | N | Y | Y | Y | Y | Y | Y |
| Gregorio | Y | Y | Y | Y | * | N | Y | Y |
| Holmdahl | N | Y | N | * | Y | Y | Y | Y |
| Kennick | N | Y | N | N | * | Y | * | N |
| Mills | Y | Y | N | Y | * | N | Y | Y |
| Moscone | N | Y | Y | N | * | Y | Y | Y |
| Petris | N | Y | Y | N | Y | Y | Y | Y |
| Roberti | Y | Y | * | N | Y | Y | Y | Y |
| Rodda | N | Y | N | N | Y | Y | Y | Y |
| Short | * | * | Y | N | Y | Y | Y | Y |
| Song | N | * | Y | Y | Y | Y | Y | Y |
| Stiern | N | Y | N | N | Y | Y | Y | Y |
| Teale | N | N | Y | N | Y | Y | Y | Y |
| Walsh | * | * | * | * | Y | Y | Y | * |
| Wedworth | N | Y | N | N | Y | Y | Y | * |
| Zenovich | Y | Y | Y | N | * | Y | Y | Y |

## SENATE

**April 3rd to 7th**

**SB 19** (Harmer) — Specifies that presumed legitimacy of a child born to a woman and her husband can only be rebutted if court finds that scientific evidence based on blood tests preclude husband's paternity. Failed 15-18.

**SR 9 (A)** (Behr) — Requires rollcall voting in legislative committees and requires votes to be recorded. Adopted 30-4.

**SR 9 (B)** (Behr) — Amendment offered by Senator Dymally which would give members the right to have explanations of their committee votes printed in daily journals, allow the use of substitute rollcalls, permit the roll to be left open in committee during the entire hearing, and allow proxy voting. Rejected, 14-21.

**SCA 10** (Song) — Proposed constitutional amendment authorizing juries in civil actions and in criminal actions where no capital offense is involved to be composed of from 6 to 12 persons. Failed 20-15 (27 votes required).

**April 10th to 14th**

**SB 84** (Nejedly) — Allows any candidate for non-partisan elective office and any candidate nominated for partisan elective office to submit a statement of qualifications to be sent with sample ballots to voters, at candidate's expense. Effective January 1, 1973. Passed 21-11.

**SB 183** (Marler) — Declares intent of legislature to regulate state timber operations. Establishes forest districts and provides for the adoption of temporary forest conservation practices until more comprehensive regulations can be adopted. Passed 31-5.

**SCR 14** (Wedworth) — Directs Auditor General to audit Public Utilities Commission annually and to make report to legislature January 1st of each year. Adopted 22-14.

**April 17th to 21st**

**SB 259** (Alquist) — Requires Public Utilities Commission to disallow, for rate-setting purposes, advertising expenses by electrical and gas utilities when such advertising is for encouraging increased use of service. Failed 16-18.

## ASSEMBLY

**April 3rd to 7th**

**ACA 2** (Ketchum) — Requires the proceedings of each house of the legislature and the committees thereof to be public to the extent provided by statute. A constitutional amendment to be submitted to voters. Adopted 72-2.

**SB 150** (Dymally) — Reduces minimum age for voter registration from 21 to 18 to conform with minimum voting age contained in federal constitution. Reduces minimum state residency requirement for registration from one year to 90 days. Requires all persons to use prefixes when registering to vote: Mr., Mrs., Miss, or Ms. Urgency clause refused adoption, 41-28 (54 votes required).

**ACA 16** (Foran) — Authorizes the use of highway revenues for the construction of public transit systems and control of environmental pollution caused by motor vehicles. A constitutional amendment to be submitted to voters. Adopted 55-18.

**AB 77** (Brown) — Assembly version of $7.88 billion 1972-73 state budget. Passed 55-16.

**April 10th to 14th**

**AB 560** (Meade) — Authorizes school districts to pay costs of re-


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placing property stolen from school employees while on duty. Passed 49-15.

**AB 139** (Crown) — Requires Director of Health Care Services to prepare and distribute a list of frequently prescribed multiple-source drugs, giving both the generic and brand names, to physicians, dentists pharmacists, and other health professionals. Passed 50-10.

**AB 251** (Dunlap) — Requires school districts providing transportation to pupils in grades 1, 2 and 3 to provide transportation to kindergarten pupils on same basis. Passed 41-22.

**AB 586** (Chacon) — Increases from $6,000 to $7,200 the minimum salary of full-time teachers with bachelor's degrees. Effective July 1, 1973. Passed 41-21.

**AB 4** (Garcia) — Requires foreign-language speaking election officials in precincts with substantial numbers of non-English speaking voters. Would not affect officials already appointed for 1972. Urgency clause refused adoption, 34-9 (54 votes required).

### April 17th to 21st

**AB 256** (Warren) — Extends minimum wage of $1.65 per hour, now applicable only to women, to men. Passed 45-16.

**AB 230** (Keysor) — Prohibits persons from preparing or selling term papers, theses, and dissertations to students for a fee. Passed 41-25.

**AB 410** (Belotti) — Prohibits the construction of any dam or reservoir on the Smith, Trinity, Klamath, and Eel Rivers pending completion of a report on waterway management plans by the State Resources Agency. Passed 50-12.

**ACA 19** (L. F. Green) — Allows any city or county to authorize bingo games within its jurisdiction if conducted for the benefit of non-profit charitable organizations. A constitutional amendment to be submitted to voters. Adopted 55-12.

**ACA 24** (Deddeh) — Authorizes Legislature to make grants of state funds to individuals based on the relationship of their incomes and the amount of property taxes or rent they pay. A constitutional amendment to be submitted to voters. Failed 42-24 (54 votes required).

**AJR 17** (Karabian) — Ratifies 27th amendment to the U.S. Constitution guaranteeing equal rights for men and women. Adopted 56-11.

| ASSEMBLY | ACA 2 | SB 150 | ACA 16 | AB 77 | AB 560 | AB 139 | AB 251 | AB 586 | AB 4 | AB 256 | AB 230 | AB 410 | ACA 19 | ACA 24 | AJR 17 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Republicans** | | | | | | | | | | | | | | | |
| Arnett | Y | N | Y | Y | Y | * | Y | Y | * | Y | Y | Y | Y | * | Y |
| Badham | Y | N | N | N | N | N | N | N | * | N | N | Y | Y | Y | Y |
| Bagley | Y | Y | Y | * | Y | Y | Y | Y | * | * | * | Y | Y | Y | Y |
| Barnes | Y | N | N | Y | * | Y | N | N | * | * | Y | Y | N | Y | Y |
| Belotti | Y | N | N | Y | N | Y | N | N | * | * | Y | Y | N | N | Y |
| Beverly | Y | N | Y | Y | Y | Y | N | Y | * | Y | Y | Y | Y | Y | Y |
| Biddle | Y | N | Y | * | N | Y | N | N | * | * | N | Y | N | N | Y |
| Briggs | Y | N | Y | N | N | Y | N | N | * | N | N | Y | Y | N | Y |
| Brophy | * | N | N | N | * | * | * | * | * | N | N | * | Y | N | Y |
| Burke | Y | N | N | N | N | N | N | N | * | N | N | Y | N | N | N |
| Campbell | * | * | * | * | Y | * | * | * | * | * | * | * | * | * | * |
| Chappie | Y | N | N | N | * | * | * | * | N | * | N | Y | * | * | Y |
| Cline | Y | N | Y | Y | * | N | N | N | * | N | N | Y | Y | Y | Y |
| Collier | Y | N | Y | Y | N | Y | N | N | * | N | N | Y | Y | N | Y |
| Conrad | Y | * | * | N | N | Y | N | N | N | N | N | Y | * | N | N |
| Dent | Y | Y | Y | * | Y | * | * | * | * | Y | Y | Y | Y | N | N |
| Duffy | Y | N | N | Y | Y | N | N | N | * | N | N | Y | Y | N | Y |
| Hayden | Y | Y | Y | Y | N | Y | N | N | N | Y | Y | N | N | N | Y |
| Hayes | Y | * | * | Y | Y | * | * | * | * | * | * | Y | Y | Y | * |
| Johnson, R. | Y | N | N | N | Y | Y | N | N | * | * | Y | Y | Y | N | * |
| Ketchum | Y | N | Y | Y | Y | N | N | N | * | N | N | Y | Y | N | Y |
| Lanterman | Y | N | Y | Y | * | N | N | N | * | * | * | * | * | * | * |
| Lewis | Y | N | N | N | Y | * | Y | Y | * | * | * | Y | * | N | Y |
| MacGillivray | Y | N | N | N | Y | Y | N | Y | N | N | Y | Y | Y | * | * |
| Maddy | Y | N | Y | N | Y | N | Y | Y | * | Y | Y | Y | Y | N | Y |
| Mobley | Y | N | N | N | Y | Y | Y | Y | * | Y | Y | Y | Y | N | Y |
| Monagan | Y | N | Y | Y | N | * | N | * | N | * | N | Y | * | * | Y |
| Moorhead | Y | * | * | N | N | * | * | * | * | N | * | * | * | * | Y |
| Murphy | Y | N | Y | Y | N | Y | N | N | N | N | N | Y | Y | N | N |
| Priolo | Y | Y | Y | Y | Y | N | N | N | Y | * | N | * | * | * | Y |
| Russell | Y | N | Y | Y | N | Y | N | N | N | N | Y | Y | N | N | N |
| Seeley | Y | N | Y | N | Y | Y | N | N | N | * | Y | Y | Y | N | N |
| Stacey | N | N | N | Y | N | N | N | N | * | N | Y | * | * | * | Y |
| Stull | Y | N | N | N | N | * | * | * | N | N | N | Y | Y | N | Y |
| Wakefield | Y | N | N | N | * | * | * | * | * | N | N | Y | N | N | * |
| Wood | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | N | Y |
| **Democrats** | | | | | | | | | | | | | | | |
| Bee | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | * |
| Brathwaite | Y | * | * | * | Y | * | * | * | Y | Y | * | N | Y | Y | Y |
| Brown | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | * | Y | Y | Y |
| Burton | Y | Y | Y | * | Y | Y | Y | Y | Y | Y | N | * | Y | Y | * |
| Chacon | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | * | * | * | Y |
| Cory | Y | Y | Y | N | * | Y | Y | Y | * | Y | N | * | Y | Y | Y |
| Crown | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | N | Y | Y |
| Cullen | Y | Y | Y | Y | N | N | Y | Y | Y | Y | Y | Y | Y | N | Y |
| Davis | Y | * | N | Y | Y | Y | Y | * | Y | Y | Y | Y | N | Y | Y |
| Deddeh | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |
| Dunlap | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | N | Y | Y | Y |
| Fenton | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Fong | * | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | Y | Y | Y | Y |
| Foran | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | Y | * | Y | Y | N |
| Garcia | Y | Y | Y | Y | Y | * | * | * | Y | Y | Y | N | Y | Y | Y |
| Gonsalves | Y | Y | Y | Y | * | * | * | * | * | Y | Y | * | Y | Y | Y |
| Greene, B. | Y | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | * | * | * | N |
| Greene, L. | Y | Y | N | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y |
| Johnson, H. | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |
| Karabian | Y | * | Y | Y | * | * | * | * | Y | Y | * | * | Y | * | Y |
| Keysor | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | * |
| Knox | Y | * | * | * | Y | Y | Y | Y | * | Y | N | Y | Y | N | Y |
| LaCoste | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| MacDonald | Y | Y | N | Y | Y | Y | Y | Y | * | Y | Y | Y | Y | Y | Y |
| McAlister | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N |
| McCarthy | * | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | N | Y | N |
| Meade | Y | Y | Y | * | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Miller | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N | Y | * |
| Moretti | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Pierson | Y | Y | Y | Y | Y | * | * | * | Y | * | Y | Y | Y | Y | Y |
| Porter | Y | Y | Y | Y | * | * | * | * | * | Y | * | Y | Y | Y | Y |
| Powers | Y | Y | Y | Y | * | Y | Y | Y | * | Y | * | Y | Y | Y | Y |
| Quimby | Y | Y | Y | Y | * | * | * | * | * | * | * | Y | Y | Y | Y |
| Ralph | Y | * | Y | Y | Y | Y | * | Y | Y | Y | Y | * | Y | Y | N |
| Ryan | * | Y | Y | Y | * | * | Y | Y | Y | Y | * | * | * | * | * |
| Sieroty | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | * | N | N | Y | Y |
| Thomas | * | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | Y | Y | Y | Y |
| Townsend | Y | * | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | * |
| Vasconcellos | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y |
| Warren | Y | Y | Y | Y | * | Y | Y | Y | * | Y | Y | N | Y | N | Y |
| Wilson | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | N | N | Y | Y | Y |
| Waxman | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | Y | Y |
| Z'berg | Y | Y | Y | Y | * | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |



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It is a failure for democracy when government fails to explain itself clearly and candidly to the citizens. It is equally a failure when the press fails to communicate intelligibly the news of government or when the news becomes a propaganda weapon employd by self-seeking interests to frustrate effective leadership.

–Douglass Cater

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